

HISTORIC DISTRICT COMMISSION
PUBLIC MEETING
Town Hall
Provincetown MA
WEDNESDAY OCTOBER 5, 2016

Members Present: Thomas Biggert (TB), Chairman; Marcene Marcoux (MM), Vice Chair; Lisa Pacheco-Robb (LPR); Laurie Delmolino (LD); Martin Risteen (MR).

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

1. Motion by the Historic District Commission to vote to go into Executive Session pursuant to Open Meeting Law, G.L. c. 30A, Section 21(a), Clause 3 for the purpose of:

Clause 3- To discuss strategy with respect to collective bargaining or litigation (regarding 384 Commercial Street) if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Votes may be taken.

2. Work Session

a) 457 Commercial Street – sign Certificate of Hardship.

A new Certificate of Hardship was signed based on the 3-1-0 vote previously taken. Per the formal HDC-filed complaint, TB said he last received an e-mail two weeks ago from today that the matter was being addressed. MM requested that the issue be taken up with staff to find a resolve as it has been (10) weeks since the complaint with no direct action.

c) Update on potential violations reported to the Building Commissioner

i. 101 Commercial St. – Installation of granite steps that were not part of the HDC approval.

AH said the owners have been in touch, that there was a bit of a miscommunication but she's been told the matter is being resolved. MM said she's been by the property and noted that the stairs location has been changed to the east side, but that all the granite should be removed per approval.

Don DiRocco presented with an explanation that the granite steps were included on the drawings but not the application; said the previous contractor had built faulty steps. TB said granite is inappropriate. LPR said the grade is coming back up and that the granite is to be built into the grade and so will not be in the HDC purview. AH said Conservation was in control of the grade.

ii. 307 Bradford St. – Replacement of a fence without HDC approval.

AH reported that she has sent a letter to the owner and has an older photo of the existing fence on hand; waiting for owners to make an application with the HDC, no violation is being issued at this time.

- iii. 15 Alden St. – Construction of a cover for an AC unit without HDC approval.

AH said she spoke with the owner on Saturday; original contractor is no longer the contractor, owner having roof done with new contractor and would like to resolve this matter himself. Owner is the Portuguese Bakery, has been instructed to come before the HDC.

334-336 Commercial St. AH said bridge will come down tomorrow and that the architectural feature, in the Historic District, is from 1994, installed after the rebuild of Pilgrim House after the fire; was a required means of egress, but that this is no longer the case and 334 and 336 have separate ownership.

590 Commercial St. AH said modifications have been made to the fence regarding the swoop or slope, suggested the HDC clarify the definition of the feature. MM said she appreciates AH interaction in anticipating violations.

d. Determination as to whether the applications below involve any Exterior Architectural Features within the jurisdiction of the Commission; Administrative Reviews to be placed on the next agenda below; Full Reviews to be placed on the October 19th agenda:

- i. 436 Commercial St. – To replace all windows and change grill patterns on double-hung windows.

LD recused herself. MM noted 12/12 windows which would become more complicated if the shift was to 6/6. LPR said a lot of Administrative Reviews have come before the HDC with altered grills and have been approved.

TB made a motion to consider as Full Review. MM seconded the motion and it passed, 4-0-0; TB, MM, LPR, MR.

- ii. 277 Commercial St. – To replace exterior rotted trim with azek composite trim.

MM remarked on the highly visible building and amount of composite proposed. LD suggested the public would probably want a say, to which LPR concurred.

TB made a motion to consider as Full Review. MM seconded the motion and it passed, 5-0-0; TB, MM, LPR, LD, MR.

- iii. 155 Commercial St., #4 – To replace three windows on street side of the structure with vinyl clad windows.

TB made a motion to consider as Administrative Review. LD seconded the motion and it passed, 5-0-0; TB, LD, MM, LPR, MR.

- iv. 45 Commercial St., #15 – To replace existing window on street side of structure with vinyl clad window.

TB made a motion to consider as Administrative Review. LD seconded the motion and it passed, 5-0-0; TB, LD, MM, LPR, MR.

- v. 572 Commercial St. – To replace existing rear shed with a larger shed.

TB made a motion to consider as Full Review. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, LD, MR.

- vi. 161 Commercial St. – To replace existing decking with trex composite decking. [Boatslip.]

TB made a motion to consider as Administrative Review. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, LD, MR.

- e) **Appoint a subcommittee to act on cases at the Special Meeting posted to take place after the public meeting; those agenda items from d) above that were determined to require Administrative review.**

TB made a motion to approve the sub-committee of TB, LD and LPR to review today's Administrative Reviews. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, LD, MR.

- f) **Review and approval of meeting minutes**

TB agreed to a business meeting on November 9, 2016 at 3:30pm to review and approve all outstanding meeting minutes; policy regarding air-conditioning units; Administrative Review sub-committee; builders' issue, noted per MR.

3. Public Hearing

- a) **Case #FY17-014**

Application by **Amrose Homes, Inc.** requesting to modify a Certificate of Appropriateness to allow round structural columns on the structure located at **9 Bradford Street.**

Mr. Ambrose presented; said one column was previously approved but they realized they needed a second column once the load was calculated per the plan; plan shown round columns.

LD said the columns appear square in the old application, which TB said is what is acceptable, or turn columns. MM asked per the column materials, which Mr. Ambrose said was to be fiberglass based on durability needs.

MM asked if a permit had come up for the fence, to which AH said it had not.

LD said, per continued discussion on the columns, that the build-up of the base is perhaps what makes the design not historic. TB agreed, as did LPR, but added that she wouldn't have an issue with the round columns due to the semi-Greek Revival-looking structure. LD stated her issue in being asked to accept a design feature just because it has already been built. MR said he sees the problem in that the columns are already built, but that this could make it a hardship case. LD questioned the bump-out per the fireplace. TB took a poll.

No public comments or letters.

LPR made a motion to leave the columns as is. LD seconded the motion and it passed, 4-1-0: LPR, LD, MM, MR, in favor; TB, opposed.

b) Case #FY17-032 *(continued from the meeting of September 21st)*

Application by **Neil Jacobs** and **Eric Ganz** requesting to convert an existing inn into a single-family residence, including replacing windows, removing and replacing aluminum with cedar siding, replacing two front doors with new windows, adjusting a south dormer to match a north dormer, removing a third floor dormer on the west elevation, constructing a new deck with guardrail, installing new bi-fold doors to create a connection between the living space and the garden and removing existing egress stairs from the south elevation of the structure at the property located at **6 Cottage Street**.

LD recused herself.

Andrew Plumb, Architect, presented; walked through new proposed elevations including adding trim, addressing scale, vertical captured baluster rails; request for (2) matching dormers; removed wood shutters, newly matched siding; request to adjust bay window with simulated divided light; replaced, not repaired windows on west elevation.

No public comments or letters.

TB addressed the dormer window on the front of the house with an option to altar the window location. MR. objected as, he said, it is a defining feature of the house. Doors discussed per primary entrance verses other access points.

Mr. Plumb asked if it would be acceptable if the original sets of trim and side-lights were retained with swapped locations.

East elevation bay window detail reviewed. Mr. Plumb said the bay was needed for breathing room upon entry, to which MR said the HDC cannot weigh in on interior concerns. TB cited the bay as awkward and not historic.

TB made a motion to approve as presented with the condition that the two front doors on the north elevation be switched with surrounds to remain; dormer with cut cornice to remain. MM seconded the motion and it passed, 4-0-0; TB, MM, LPR, MR.

c) Case #FY17-033 *(continued from the meeting of September 21st)*

Application by **Regina Binder**, on behalf of **Cynthia Binder**, requesting to modify an approved plan for a cottage addition to comply with FEMA building requirements and with State Building Code requirements for ridge height and knee walls to structure at the property located at **242 Bradford Street**.

Regina Binder and Keith Hutchings presented. Ms. Binder referenced new ¼" scale plans, elevation as existing and proposed; 6/6 windows as scheduled; foundation covered in wood, rail system to be captured baluster in mahogany, deck in mahogany; door to match existing door on cottage to the left; second means of egress added as per AH's guideline reference.

Four previously submitted letters from the public were reviewed.

MR read pertinent FEMA variances into the record, including 1 ½ stories as applied to small structures, cottages or accessory buildings. AH clarified that individual structures need to be identified as contributing to the Historic District. MR said he has no problem with the height and build-out, but noted character as another distinction.

AH said the elevation for this property per FEMA regulations signals a 4 ½' raise from the existing grade to the top of the first floor, or 9' or higher from the top of the elevation in the A-Zone.

TB lamented various required elevation raises of properties around Town based on FEMA, questioned new window sizes. LD said she understood the need for a new height but that it stands in stark contrast to the heights of other properties in the neighborhood, going from 15' to 24'. Ms. Binder said the tip of the roof is 24' but that the main building is 17.3'. MM made a case for a lower height. Ms. Binder said she agreed, but felt rules were needed to apply for all.

TB said a full 2-story cottage was not what was originally approved. Mr. Hutchings said the changes reflect a need to meet code from what was originally proposed and Ms. Binder added the footprint hadn't changed. TB said that while the new building is taller, it will not be as wide and is inclined to approve as such.

LD stated a complaint with the new window design, to which Ms. Binder said she is a "window nazi" and that the units will be 6/6 and appropriate, asked permission to match doors between buildings.

LD made a motion to continue the decision to the meeting of October 19, 2020. TB seconded the motion and it passed, 4-0-0; LD, TB, MM, MR.

HDC took a short break.

d) Case #17-042 (continued from the meeting of September 21st)

Application by **Don DiRocco/Hammer Architects** on behalf of **Gregory Connors**, requesting to redesign a railing on a south-facing deck on the structure on the property located at **101 Commercial Street**.

LD recused herself.

Don DiRocco and Lief Hamnquist, of Hammer Architects, presented. Mr. Di Rocco addressed mahogany guard-rail design; presented FEMA certificate for elevation code in citing deck standing high from the beach; proposed galvanized metal pipes with cable rail strung in between; round, welded pipe.

Michaela Carew-Murphy of 99 Commercial St./Sal's Restaurant, presented; said it was her understanding per two meetings ago that no decision would be made on any design aspect until the granite stairs were addressed; said they were doing an independent survey to ascertain if the deck is up to code; said Mr. Connors and his team have destroyed the historical integrity of the house.

Gary Reinhardt (sp), resident of 107 Commercial St., spoke in favor of the design in saying that cable rails are being more and more incorporated and approved; said he felt everyone was gathered due to the awful battle between the owner of Sal's and her neighbor, and that he was surprised that MM hasn't recused herself based on her relationship to the owner of Sal's, to which MM said she took offense. Ms. Carew-Murphy added that she didn't feel someone such as Mr. Hamnquist, who was the Town's permit coordinator as recently as less than a year ago, should be coming before the HDC in this capacity.

LPR corrected Mr. Reinhardt in stating that a railing change would signify a Full Review, regardless of the situation between two neighboring factions.

TB read a letter in support from John Winterlee (sp) of 77 Commercial St. MM read a letter in support from neighbor, Cynthia Martin (sp). LPR read a letter of support from Bryan Rafanelli and Mark Walsh, direct abutters. AH referenced two previous letters of support.

MM noted a major change in the previous application whereby a sense of historical integrity came into focus which would signify wooden railing and that

while in some cases, metal railing can be a fit, wood would be appropriate for this property. LPR said she is fine with the design and suggested a wood railing would look odd. MR said he liked the original design but is okay with the changes. TB said it was a tricky case, but he could go along with the plans.

TB made a motion to accept as presented. LPR seconded the motion and it passed, 3-1-0: TB, LPR, MR, in favor; MM, opposed.

e) **Case #FY17-045** (continued from the meeting of September 21st)

Application by **Coastal Land Design**, on behalf of **Annie Mahoney & Diana Prideaux-Brune**, requesting to demolish a structure under Building Permit #BLD-17-000195 and requesting 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 at the property located at **226B Bradford Street** .

MM said she had viewed the tape of the previous meeting to sit on the case.

Tim Klink, of Coastal Land Design, presented; said structure is older than 50 years but not in the Historic District; submitted letter from owners with back history of no significance.

TB read a letter in opposition from neighbor, Deidre Tasha (sp).

TB asked why abutters were not properly notified, to which AH said they would have been sent letters according to protocol. Mr. Klink said the neighbors were all met with and that they've done extensive outreach. MR said the HDC met with neighbors who claimed to not be aware of what was going on with this case and that a delay is needed to bring them up to date.

TB said he spoke with neighbor Paul Tasha and learned he is very much against this application. MM spoke of the historic significance of the artists and culture associated with the neighborhood, and agreed with MR and TB on a demolition delay to further review the proposal and mixed-style existing structure.

LPR requested to re-open the public comment portion of the meeting in order to express her opinion that an assumption is being made that process is not being followed based on a conversation with someone on the street. MM censored LPR from speaking on the case, even from the public, and said she should leave the room when recusing herself from a case.

Mr. Klink requested a continuance for two weeks so he can speak with the owner further on the status of the application. AH advised the HDC that with Board votes for demolition delay, the applicant has 20 days to appeal to Barnstable Superior Court.

TB made a motion to invoke demolition delay under Chapter 11, Section 11-1-5. MM seconded the motion and it passed, 3-1-0: TB, MM, MR, in favor; LD, opposed.

f) **Case #FY17-049**

Application by **Ted Smith, Architect, LLC**, on behalf of **Tom Tannariello** , requesting to add a full second story to a halls-story structure and to reconfigure and relocate doors and windows on all elevations of the structure located at **12 Cudworth Street** ..

Ted Smith and Kevin Bzarian who, it was announced, is taking over the project, presented. Mr. Smith went through the elevations, expressing the existing lack of access between floors; window replacements to be 2/1; gable end brought forward on east elevation to address scale massing, added

windows; front door relocated to west elevation; asphalt shingles on roof, cedar painted wood trim, cedar shingles.

No public comments or letters.

TB lamented that what is a perfect house is going away with the new plan, leaving no defining characteristics behind. LPR agreed with TB, said she had issue with the scale, not meant to be a 2-story house, inconsistent. MR agreed with LPR and TB. LD concurred, as well, noted loss of architectural features. MM said she'd like to see new plans.

Mr. Bazarian offered modifications: to extend the gable all the way to the back to the rear of the house, should the north elevation not being changed; leave the right side with a little dormer on the west side; raise ridge at center piece in order to get from one end of the house to the other.

LPR felt this might signal an odd elongated building and likes the character of the additive pieces of the house. MR noted that this building was built on the site of the 1-room schoolhouse. LD said she felt a site visit would be helpful in her case. Mr. Bazarian said they'd like to keep the Greek Revival and that it will be a 1-family home. TB said he'd rather see dormers than the ridge height raise.

TB made a motion to continue the decision to the meeting of October 19, 2016. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, LD, MR.

g) Case #FY17-050

Application by **Ted Smith, Architect, LLC**, on behalf of **Mitchell Klein**, requesting to replace vinyl siding with wood siding and to add a new door, deck and railing on the south elevation, a new door, roof deck, porch and exterior stairway on the north elevation, remove door and add and replace windows on the east elevation and add and replace windows on the west elevation of the structure located at **394 Commercial Street**.

Ted Smith presented; said not much has been done to the property in a number of years, looking to gut-renovate and turn into a 3-family residence; adding windows and doors to all elevations and egress stairs; sited building at corner of Commercial and Law Sts.; 2/1s proposed consistently throughout; clapboards but may go to shingles depending on removal of siding.

No public comments or letters.

TB said he felt it is a good design; stated one problem that is the removal of the (3) doors on the motel portion. MM said her issue is with the number of decks, particularly the deck on the south elevation. LD agreed with MM and said her only problem is the front, third floor deck, which Mr. Smith said the railing is permitted to be 36, as drawn. LD mentioned the window as exists on the 3rd floor in that it appears on the drawings as if something had drifted, to which Mr. Smith concurred, suspecting a drafting error that has the bay off, should be centered, along with the door.

MR noted Mr. Smith had done a great job of bringing the building back to its original state, with the exception of the porch railings on the first floor and the landing on the third floor, south elevation. LPR asked per the materials for the big egress going to the 2nd floor, to which Mr. Smith said white poles and balusters would be used, but treated decking, front door to remain.

TB made a motion to accept with the following conditions: south elevation door and deck on bay not built, goes away; east elevation: window is added under the dormer; balusters to be painted white; clapboards or shingles on all elevations; wood steps. MM seconded the motion and it passed, 4-1-0: TB, MM, LPR, LD, in favor; MR, opposed.

TB requested new drawings for the east and south elevations.

h) Case #FY-051

Application by **Pavel Fiodarau**, on behalf of **NH3, LLC**, requesting to construct a dormer on the east elevation, add windows on the west elevation and add a door and exterior stairway on the north elevation of the structure located **338 Commercial Street**.

Pavel Fiodarau presented; said all the work has been previously approved, but that Zoning Board approvals took so long that the season had come and gone and previous decision had expired; plans for (2) windows on west elevation, dormer with (2) awning windows, door not visible from the street; additionally (2) new skylights.

TB complimented the work done on the front portion of the west elevation.

No public comments or letters.

TB made a motion to accept as presented. LPR seconded the motion and it passed, 5-0-0; TB, LPR, MM, LD, MR.

i) Case #FY17-053

Application by **Bruce Pollard**, on behalf of **Deb Vanderveen** and **Chris Norcross**, requesting to construct dormers on the north and south elevations of the structure located at **9 Atlantic Avenue**.

Bruce Pollard and Chris Norcross presented. Mr. Pollard said the dormers are proposed at 16', four windows, raised ceiling height for gaining daylight.

TB read a letter in support from the neighbor at 11 Atlantic Ave., Unit C.

TB noted the drawing as a bit simplified, to which LPR concurred. MR said he doesn't have a problem with the dormers but needs a simple, clear drawing.

TB made a motion to approve as presented on the condition that the HDC receives adequate drawings before any work is started. LD seconded the motion and it passed, 5-0-0; TB, LD, MM, LPR, MR.

j) Case #FY-054

Application by **Don DiRocco/Hammer Architects**, on behalf of **Gregory Connors**, requesting to add a picket fence with a gate along the southwest side of the property located at **101 Commercial Street**.

Don DiRocco and Leif Hamnquist of Hammer Architects presented. Mr. DiRocco said the extension of a previously approved fence will be 13' toward the Harbor; painted white, wood cedar.

Michaela Carew-Murphy, owner of 99 Commercial St., said she was confused as there isn't a fence as existing and reported that there has never been a fence at the site; added that she opposes the fence in that Mr. Connors has a parking easement which a fence would leave too little room for his car passengers to disembark and would block her property's view.

TB read a letter in support from direct abutters, Bryan Rafanelli and Mark Walsh of 99 Commercial St. MM read a letter in support from John Winterall (sp), MD. TB read a letter in support from Cynthia Martin of 77A Commercial St.

Mr. DiRocco said they are resubmitting for the Conservation Commission which does not have jurisdiction over fences. MM questioned the new fence proposal based on previous determinations of approval aspects regarding pilings and the brick skirt.

Clarence Walker spoke from the public; said he attended the Conservation Commission meeting where it was determined an obstruction is not permitted on that façade of the property that might impede a flood, per FEMA requirements.

LPR requested that there not be confusion between differing boards. TB agreed that the HDC must stick to its own bylaws but added that he agreed with MM and is against the additional 13'. MR said he would stay with the original decision.

LPR made a motion to accept as presented. TB seconded the motion and it failed to pass by vote.

MR left the meeting at 7:22pm.

k) Case #FY17-055

Application by **William N. Rogers, II** on behalf of **Russell Davies**, requesting to add a 20' by 22' second floor addition extending over an existing northwest first floor wall that includes a cantilevered deck on the southwest elevation of the structure at **23 Winthrop Street, #E5**.

Gary Locke of William N. Rogers Civil Engineers presented; gave details of design plans with proposed materials.

TB read a letter opposed from the owner at 23 Winthrop St., Unit 5C. TB read a letter in support of the plans by owners of Unit A in the Winthrop Street Association.

LD read the HDC bylaw concerning cottage additions; surmised that the Board is limited to approval at 1 ½ floors. LPR said she felt it feels too big. MM noted that expansion of cottages in the Historic District are permitted but that this feels too large in scale.

Mr. Locke requested a continuance in light of the comments; said they would have consultations with the owners and Condominium Association in regards to reducing the mass, as opposed to the scale. Mr. Locke signed a time-waiver to two weeks.

MM requested from AH that the HDC meet tomorrow to write decision, which AH said she thought went against public meeting process.

[*Note: No vote taken on Case #FY 17-055.*]

TB made a motion to close the regular meeting at 7:35pm. LD seconded the motion and it passed, 4-0-0; TB, LD, MM, LPR.

TB opened the Sub-Committee Meeting at 7:35pm.

TB clarified that 436 Commercial St. would be addressed at the meeting of October 19, 2016; noted that no one was present to address 155 Commercial St., #4;

TB made a motion to approve 155 Commercial Street with the condition that the windows be 6/6s. LPR seconded the motion and it passed, 3-0-0; TB, LPR, LD.

TB made a motion to approve 45 Commercial St., #15 with the condition that the windows be 6/6s. LD seconded the motion and it passed, 3-0-0; TB, LD, LPR.

161 Commercial St. Pavel Fiodarau presented on behalf of the Boatslip.

LPR made a motion to approve as presented. TB seconded the motion and it passed, 2-1-0: LPR, TB, in favor; LD, opposed.

AH announced that the Tennis Club at 288 Bradford St. suffered a big leak recently, requested permission to give the owners the okay to begin work on an asphalt roof, not currently wood.

AH read a statement for the proposal for a revised Charter, seeking the HDC input.

TB made a motion to adjourn the meeting at 7:48pm. LPR seconded the motion and it passed, 3-0-0; TB, LPR, LD.

Respectfully Submitted,
Jody O'Neil