



HISTORIC DISTRICT COMMISSION

May 4, 2011

Judge Welsh Hearing Room

2:30 p.m.

Members Present: Stephen Borkowski (left at 5:40 p.m.), Polly Burnell (arr 4:38 p.m.), John Dowd, Marcene Marcoux (arr 3:41 p.m.), David McGlothlin, and Carol Neal.

Member Absent: Lynne Corbett

Staff: Russell Braun and Maxine Notaro

Working Meeting at 2:30 p.m.

Discussion on Policy and Procedures

Everyone was too busy to attend.

●Public Statements

There were none.

Work Session 3:30 p.m.

●Administrative Reviews

The young Mr. deRuyter was in last March for permission regarding his ticket booth – he said that he had zoning issues at the Art House and he’s requesting a waiver so the ticket booth can be pushed back into the building. He’s proposing here – the roof over the area and a pitch to match the original roof. John Dowd wanted a photo which would show the entire front of the building.

Motion: Move to accept the 3’7” projection with a half-hip pyramidal roof.

Motion: John Dowd Seconded: Carol Neal Vote: 4-0-1 ab (MM)

Mr. deRuyter also asked to replace things in his 205-209 Commercial building across the street with an “in kind” replacement. That, too, was approved.

180 Commercial Street

Magic and Annie Cartwright came in with their contractor. This was a minor door repair which was approved.

184 Commercial Street

The applicant wishes to replace windows - John wants 2 over 1 replacements and it was agreed upon.

●**Review and approve previous minutes**

Motion: Move to approve the minutes of the April 20th meeting as amended.

Motion: John Dowd Seconded: Carol Neal Vote: 2-0-ab for rest

Mr. deRuyter came up and made an additional comment on the booth.

Public Hearing 4:00 p.m.

Case# FY11-37 (Case continued for revised plans)

Application by William N. Rogers, II, P.E. & P.L.S. on behalf of 67

Commercial Street, LLC, Judy K. Mencher, Trustee for a Certificate to be issued in accordance with the Provincetown Historic District Commission established under the General By-Laws, Chapter 15 of the Town of Provincetown. The applicant seeks approval to revise/amend the previously approved location of door and window sizes and to extend the previously approved west elevation dormer and eliminate the second floor deck at the property located at **67 Commercial Street, Provincetown, MA.**

David McGlothlin said he had to recuse himself since he didn't sit on it originally.

Gary Locke said that we are going to submit a plan that reflects a compromise. There were 3 scenarios handed out. Gary said that the owner is happy with all of these variations. Marcene Marcoux commented that the windows are now not overwhelming so she can see that their suggestions were followed.

Gary continued by saying what you didn't like before was the staggered shingle pattern so we took that off. They also kept the entire design but made it simpler.

Motion: Move to accept Design B with the diagonal window changed to a circular window.

Motion: John Dowd Seconded: Marcene Marcoux Vote: 4-0-1 ab (DM)

Case# FY11-44

Application by Mark Kinnane of Cape Associates, Inc. for a Certificate to be issued in accordance with the Provincetown Historic District Commission established under the General By-Laws, Chapter 11, Demolition Delay Bylaw of the Town of Provincetown. The applicant seeks approval to demolish an existing structure and re-build a code compliant structure as per the 7th edition of the Mass State Building Code and to request a waiver from the 6 month demolition delay at the property located at **320 Bradford Street, Provincetown, MA.**

Mark Kinnane presented the application to the HDC. He said that basically – it’s outside the district – the foundation of the house is cement block with no footings and there’s a lot of moisture in the building and a lot of mold in the eaves. The renovation costs of what it would take to save this building would be absurd. There is a studio in the back and it will need minor upgrading.

The owner said that it’s her grandparents’ house (the Malicoats) and she feels the studio is a real historical building on that property. Marcene Marcoux stated she visited the house and it is separate from the artist’s studio.

Stephen Borkowski said that he is fine with the demolition as long as we’re just addressing the house and not the studio. The studio is not being touched.

Motion: Move to accept the waiving of the 6 month demolition delay of 320 Bradford Street.

Motion: John Dowd Seconded: Marcene Marcoux Vote: 5-0-0.

Case# FY11-45

Application by Joshua Prager for a Certificate to be issued in accordance with the Provincetown Historic District Commission established under the General By-Laws, Chapter 11, Demolition Delay Bylaw of the Town of Provincetown. The applicant seeks approval to demolish an addition to the main structure of the barn and to request a waiver from the 6 month demolition delay at the property located at **25 Miller Hill Road, Provincetown, MA.**

Mr. Prager had the barn inspected before he bought it and the inspector said that the back of the barn has rotted and it’s dangerous and he said that it would have to be replaced at some point. He said that he will keep the volume the same. He wants a handicapped bathroom and that’s why he wants to remove the addition at the rear of the studio.

Eric Dray, chair of the Historical Commission, said that we’re at an interim position. The town is giving CPA money for historical significant which would be appropriate but the only additional piece that he didn’t know about was the handicapped bathroom under the studio loft and that’s something that should be incorporated while the waiver is pending.

Mr. Prager asked, “You want to link this to the agreement between me and the town?”

Eric said – it’s not clear to me regarding the pending grant agreement. We’re sort of in a gray zone right now.

Joshua said that if the town is going to give me a \$75K grant - as for the bathroom - it’s important that everyone be able to use the barn and to put in a handicap bathroom so that everyone could use it.

The owner has plans but nothing concrete at this time.....he thinks it would be nice to have more than one resident at a time and then imbed other rooms into the hillside. He feels he’s not proposing anything here.

David McGlothlin had questions regarding the grant which weren’t answered.

Astrid Berg said that since 1965 she knew the Hawthorne family and she also knows that they put that addition on and she is appalled that her tax dollar is going toward shingling, etc. At town meeting there were no plans brought forth. Astrid asked, “Does he have any plans before you – no!” She just wants the HDC to take their time to look over all of this.

Clarence Walker said he sees nothing wrong with the continuance of the building but he would like someone to know about use. And the grant proclaims that we can use this property for 1 day/month. The Town has already committed \$75K toward this property and Clarence has yet to know what access the public would have.

Marcene said - what is it that we’re being asked – what is the present status of the structure. Are we dealing with the studio barn – or a one bedroom property? It’s an accessory building and a non residential studio barn or a one bedroom structure and she wants to know what the present structure is? She has tried to research this through town records which has proved impossible!

The owner said that the building is allowed to be both a private dwelling and he intends to have residents who will live in the barn at various times of the year. “Currently we have September through April residents in the barn.”

Marcene again asked - is it presently a one bedroom resident or a studio barn? What is it now? The assessor said that it’s a studio barn. What is it now?

John Dowd said it was sold as a 1 bedroom.

Stephen Borkowski asked “Is this relevant?” Marcene said that nowhere is there a kitchen and bathroom. If this building is in the National Registry it should have gone to the Cape Cod Commission so she’s looking at the status.

Russell Braun, the Building Commission, said that it is a question that has many answers. He can answer on two levels – one, he’s been in the barn and it has a bathroom and a kitchen and we have no records of a building permit so you could say technically – this is a dwelling unit. If it’s used as a studio and you don’t live there has nothing to do with our definitions. After a lengthy non-explanation, Russell concluded by saying that there is no specific use.

S. Borkowski asked - is it under the purview of the HDC to make a zoning use. The proposed use is somewhat beyond the scope of the board. The proposed use and the historic use are not under our jurisdiction.

As Astrid pointed out, the owner said he wants to demolish a part of the building and replace it with a bathroom, etc. and yet place a deck atop this new addition. Astrid said there is no plan for his intentions – no anything!

David McG. said that his questions have to do with the National Register. Again, even though we don’t have a specific purview of a plan for the property; he’d like to know a little more about it. There’s a \$75K grant involved. Does that grant have any connection from the Federal Government? Generally if there are any federal money – the federal government has a lot to say. Again no answers. David also wondered if this demolition triggers an investigation from the funding body? Do we have documentation about the bathroom? Nothing?

S.B. said that in the event that a demolition is granted and there is nothing in place that would allow a design review; he would feel more comfortable having a design review.

S.B. said he felt that we’re overstepping our bounds; he’s just trying to ensure that we don’t overstep our authority. He stated he is vice chair of the Historic Commission, too.

Finally a motion was made at 5:35 p.m.

Motion: Move to waive the 6 month demolition delay for the Hawthorne Barn.

Motion: John Dowd Seconded: Stephen Borkowski

Vote: 3 in favor Steven Borkowski, John Dowd, and Carol Neal

2 opposed Marcene Marcoux & David McGlothlin 1 ab Polly Burnell

Stephen Borkowski left the meeting at 5:40 p.m.

Additional Administrative Reviews

398 Commercial St (corner of Washington Street) fence – Melinda Ancillo said that she bought the property in 1989 and she understands that you don't like vinyl fencing. Her concern is that her piece of land abuts Washington St. and has a sign – “no trucks allowed” but even so her fence has suffered damage from “unknown” accidents of cars crashing into it. She would like advice on how to protect her property and gain privacy at the same time. The bottom line suggestion was to petition the traffic meeting next winter and try to get the one-way direction of Washington Street reversed. The HDC said that they would gladly support her endeavor with a letter of support.

101½ Commercial St – A wooden fence (mahogany) was approved about two years ago for this property but it was too expensive for the owners to install. They decided that they would purchase top-of-the-line PVC fencing complete with a gate and a very large arch instead of the mahogany. According to their contractor (who brought in samples) they have already purchased it and cannot return it.

The owners also – because of a change in the topography of the dune – now need a hand rail and more steps. They feel the HDC are putting them in a position of high maintenance.

The bright white plastic fence, gate, and arch were denied.

At 6:15 p.m. Mr. deRuyter came in with yet another simple solution. He presented it to the patient HDC.

Adjournment happened at 6:15 p.m.

Respectfully submitted,
Evelyn Gaudiano
E. Rogers Gaudiano

Approved by _____ on _____, 2011.
John Dowd, Chairman