



## HISTORIC DISTRICT COMMISSION

### Judge Welsh Hearing Room

April 4, 2012

3:30 p.m.

**Members Present:** Polly Burnell, John Dowd, Ryan Landry,  
and David McGlothlin.

**Member Absent:** Marcene Marcoux (excused)

**Alternate Absent:** Lynne Corbett (excused)

**Alternate Present:** Benji Fox (arr 4:00p)

**Staff:** Maxine Notaro

#### **Administrative Reviews – 3:38 p.m.**

**96 Commercial Street** – replace windows.

**463 Commercial Street** – Install solar panels in rear of building.

**572 Commercial Street** – Replace crank window with awning window.

**82 Commercial Street** – Add storm shutters

**94 Commercial Street** – Repairs to decks and railings, siding, and trim.

**161 Commercial Street** - Replace windows and add PVC trim to match façade.

**291 Commercial Street** – Remove existing railing and baluster system and replace with cable railing system.

**366 Commercial Street** - Kay, the contractor, wants to make changes to the 2<sup>nd</sup> floor. After a bit of discussion, she agreed to incorporate the suggestions made by the Commissioners and return with new plans when they are completed.

**8 Pleasant Street** – The contractor said that the clapboards on the front will be changed to shingles. David and Ryan went over the plan and signed off on it.

*Public Hearing 4:05 p.m.*

**Case# FY12-34**

**Application by Mark Kinnane of Cape Associates, Inc. on behalf of Patty Rogers** 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 and reconstruct the larger unit of a two unit one story structure (approximately two-thirds of the existing structure to be demolished) and to request a waiver from the 6 month demolition delay at the property located at **28 Nickerson Street, Provincetown, MA.**

*(Polly Burnell, John Dowd, Benji Fox, Ryan Landry, and David McGlothlin sat on this case.)*

Mark presented the case on behalf of the owner, Patty Rogers. The property is outside of the historic district but the roof is caving in and Mark said that it's underframed.

The case was then opened up to the public for anyone speaking for or against the project - there was no one in attendance but a letter from the owner of 26B Nickerson was read into the record. The person was disappointed that there will be no demolition delay since she takes her vacation in August and her tenants won't like being in the midst of a construction site. Mark responded by saying that the construction timing hasn't been decided as yet.

**Motion: Move that we not insist on the demolition delay for 28 Nickerson Street and approve FY 12-34 as presented.**

**Motion: Polly Burnell                      Seconded: Benji Fox                      Vote: 5-0-0.**

**Case# FY12-35**

**Application by Mark Kinnane of Cape Associates, Inc. on behalf of Johnny Pak** 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 demolish the existing structure and rebuild a new structure at the property located at **149 Commercial Street, Provincetown, MA.**

*(Polly Burnell, John Dowd, Benji Fox, Ryan Landry, and David McGlothlin sat on this case.)*

Mark Kinane presented this case. To summarize, he said that the foundation is very inadequate. We're going to bring the kitchen back since it's over the property line and there are cost issues. The building, as it is now, is not adequate for the owner's purposes. It is planned to have the top floor as bedrooms for his employees and the owner projects that he will be living on the property. Mark tried to get it lower and he's trying to get it scaled down.

Then the public input part of the meeting was opened.

Bill Jones, an owner at **139 Commercial Street** – (Sandbar Village) said that he wanted to give a little bit of history of the property. The Felton's owned the entire property (restaurant and condo complex) and when Mrs. Felton decided to sell they made the existing apartments (Sandbar Village) into condos. Because of the rules governing condos and property necessary, the outside steps on the back of the restaurant property encroach on the condo property. Mr. Jones had many pictures documenting the problems Mr. Pak's restaurant provided, i.e., garbage casually thrown off the back steps, mats drying on the railings, etc.

**149A Commercial Street** – The owner is against this project.

Laura Rood (Sandbar Village owner) is also against this project

Ann Rogers – **147 Commercial St** – is opposed to this project since the add'l height is certainly not desirable and will negatively impact the neighborhood.

The owner of adjoining condo property – Lauren ? was also opposed.

A letter from E. James Viera, Esq. was received and stated that all the condo trustees are in opposition and cite Chapter 15 which says that demolition is prohibited. The attorney also states that there is an absence of a proper application and what is proposed is not appropriate and warrants **denial of FY12-35**.

Angela Brown, one of the owners of 147 Commercial Street (Fisherman's Cove) is opposed to the expansion of the bar and other issues. She feels that approval sets a precedent.

The owner of Unit L9 of Fisherman's Cove said that this is just another example of inappropriate enlargement.

Mary Beth Freschetta is in opposition to the construction of a 3 story building and would like it to be disallowed.

Unit 1B would like to see an independent assessment of this building.

Polly Burnell said that the letter from the attorney is eloquent and she doesn't think that it's structurally unsound. Polly is very opposed.

Benji Fox wanted to know if the builder has a report about the building's worthiness.

Mark Kinane, the contractor, said that it doesn't meet code.

David McGlothlin said that there are a number of guidelines that we have to consider for demolition. i.e., is it structurally unsound or unsafe? We haven't received anything from a duly authorized officer to allow for a demolition so we cannot approve a demolition.

**Motion: Move to deny this application.**

**Motion: Benji Fox                      Seconded: David McGlothlin**

**Motion was rescinded by BF.**

Mark said that he would like a continuance – we got a feel for what we'd like to do so we're going to do something to the property.

David McGlothlin cautioned the opposition (all in attendance) that there will not be another notice for the continuance.

**Motion: Move to continue FY12-35 until the May 2<sup>nd</sup> meeting.**

**Motion: John Dowd      Seconded: Polly Burnell      Vote: 4-0-1 ab (RL)**

**Case# FY12-36**

**Application by Steven H. Cook of Cotuit Bay Design, LLC on behalf of KIP Financial LLC** 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 for the following changes: East Elevation: construct a second floor dormer; South Elevation: demolition of the smaller section and construct a new 20' x 28' addition; East Elevation: remove the porch and construct a new single story addition and; remove the existing shed at the property located at **10 Prince Street, Provincetown, MA.** *(Polly Burnell, John Dowd, Benji Fox, Ryan Landry, and David McGlothlin sat on this case.)*

Steven Cook, an architect, presented the case. It is a Greek Revival house and the new owners want to change it from a single family to a 2 family house. The brick foundation is failing and the kitchen, etc. needs to be redone. The design of the new addition takes into consideration the design of the house. There are clapboards under the aluminum siding and they're going to remove the aluminum, sand the clapboards and restore it to its original look. There was no one in the audience and no letters (pro or con) in the file.

Polly Burnell has a real issue since guideline 13 refers to the appropriateness according to the size, shape, etc. She doesn't see this as appropriate and she'd rather see an additional building on the lot.

Mr. Cook said that he's hemmed in by the setback requirements.

John Dowd said that this building is like a perfect Provincetown house, the chimney, the door and the little ell off the back and it's intact. What this plan is attempting to do is tear away half of the structure and then double the size of it.

David McGlothlin said that what is unique about the streetscape is unique in town and all the houses are uniform. The 2<sup>nd</sup> issue is that you're asking for a demolition. We have not received any documentation to validate demolition.

There was quite a discussion on whether Mr. Cook could take the porch section and remove it and then make it part of the living section?

**Motion: Move to continue this project until the May 2<sup>nd</sup> meeting.**

**Motion: Benji Fox      Seconded: John Dowd      Vote: 5-0-0.**

**Discussion:**

David McGlothlin mentioned the property at the corner of Johnson and Commercial Street (used to be a barber shop). He doesn't recall the HDC giving permission for a demolition and he'd like to see the original proposal for the structure.

Then there ensued a prolonged discussion by the HDC on procedures, etc.

Maxine did suggest that when you get your packets in advance - you should be reviewing the projects in advance. Also if we know that a case will take a long time with a particular project –out of respect for other people – table any anticipated long winded scenarios until the end of the meeting.

**Adjournment happened at 5:50 p.m.**

Respectfully submitted,

*Evelyn Gaudiano*

E. Rogers Gaudiano

**Approved by** \_\_\_\_\_ **on** \_\_\_\_\_, 2012.