

HISTORIC DISTRICT COMMISSION

January 10, 2007

Caucus Hall

4:15 p.m.

Members Present: Polly Burnell, Marcene Marcoux, and Carol Neal.

Members Absent: Nathan Butera, John Dowd, and E. Clothier Tepper

Staff: Maxine Notaro and Doug Taylor

Administrative Review:

Tom Cyzoski had a case that he brought before the HDC for review. It was for 102A Bradford Street. He had pictures of the building that is next door to the Advocate Building. It will still have to be brought back for a full review at some date in the future.

Public Meeting 4:15 p.m.

Carol Neal called the special meeting to order at 4:18 p.m.

531 Commercial Street – consideration of Stop Work Order and demolition issues

Carol asked what was going on with the project; the HDC has received quite a few phone calls asking the same question.

Cheryl Bready thanked the HDC for convening the special meeting to address all concerns and assured the group that the structure is looking far more gargantuan than planned and the plans they presented on August 23rd are exactly as shown.

Glen Parker, her contractor, attended to talk about the demolition; it's his responsibility. The following are quotes from his testimony: He didn't do it out of malice or disregard. He just wants to build a high quality building. We came before you 3 times and argued about 6 over 6 windows, etc. over a period of several months. And consistently Cheryl said no, we have to go before the Board and do it properly. Again Cheryl's directive was to go for permission – and get approvals for everything. Shortly after we went to the Building Commissioner and presented the case to him without drawings. Then the 1st drawing indicated that the foundation needed to be replaced. We wanted to make a slight adjustment to that but building codes needed more height and they met with the Building Commissioner and showed the new plans.

So the next thing Glen did was to look at the structure; we had to comply with the building codes here. We opened the floor up and we had a typical post and beam structure where a lot of things had been inserted improperly. The entire first floor was basically new 2 X 10 framing but we had to remove the floor in order to comply with the code. From that point on, we were told on October 11th and until the end of October that we had to get a structural engineer to advise us at our expense. The engineer we engaged saw no way to save the existing building. They produced a full set of plans to the Building Inspector and told him that this was the only way to get it to conform to codes. The State of MA requires the findings of a structural engineer. On December 13th we came down with the

structural drawings.

Doug Taylor was in his office but unavailable. There was no conversation with Doug. Glen's conversation took place with Dick Anderson and he didn't ask at that time if he needed anything else. After the 13th – we had a visit from Polly Burnell and Carol Neal on December 15th – the other issue was the temporary structure. The site superintendent was afraid the original structure would blow down. Everyone else is aware of what has happened since then. Again, it's Glen's responsibility to produce the building.

Polly said, "You've destroyed a building that's been here for over 100 years." Glen felt that many of these buildings might blow down and we were directed to have a structural engineer tell us what to do! Glen explained away what was wrong with the last renovation.

Carol Neal read the original application. All we do is take a look at the building and - to us - it didn't look structurally unfit. It seems odd that this building is now gone.

Glen said, "When we're done it should look exactly as it was before."

Cheryl Bready said, "We don't want to be on the front page of the Banner. What can we do to make this all better? Our goal is to finish this project."

The meeting was then opened to Public Comments:

John Hopkins, a builder here in town, said he feels that there are demolition protocols in this town and we all have to live with them. His impression is that the building was demolished without permission and yet - if he takes down even a wall, he has to come back time and time again for permission. "There should be a fine or a building delay, otherwise every other builder will do just what they want. These people have endless pockets, roll into town, and do whatever they want!"

Tom Boland, speaking as the chair of the Historic District Study Committee, said that there are a few issues he finds troubling. He cited as an example: in 1994-5 the Town of Provincetown had the Foley House happening. At that time the town was the owner and there were punitive charges to the owner. The punitive charges deal with these issues constantly. He doesn't doubt the veracity of these people but hates to have the structural engineer being thrown out as an excuse. The "structural engineer" could be the biggest loophole in the bylaw. The structure being found unsafe. The group should have come before the Building Commissioner. Yes the buildings are old and we should have someone – our own professional people – decide demolitions. At some point someone has to assess the danger; Tom has to agree with John H. As a person who has spent 6 years of his life writing this law, it's difficult to see it ignored. He also has to agree with the fact that restoring older homes contained in historic districts is a more expensive project rather than building brand new BUT that's the price one has to pay for buying and restoring in an historic district.

The public comment portion of the meeting was then closed.

Glen Parker said that whatever levy is made should be made against him. He doesn't have a lot of money..... but take it out on me..... not on the owner. We didn't just blow into town and we had meeting after meeting with you.

Carol Neal asked if - with all of these meetings – was demolition ever discussed? “Selective removal” was the terminology that Glen used. It took us thousands and thousands of dollars and about 9 weeks of work to try to save the building and he's being sincere.

Marcene read the demolition by-law which is subject to review on a case by case basis. But the dates on this are on October and we would have done different inspections. We would have been part of the process and that's the big missing piece! You have to pay attention to your structural engineer but we have to be brought into the loop. Again, Glen Parker pled "mea culpa" and added that no one ever said to me that you have to do this.

Polly Burnell said that both you and your client feel it's going to be the same. If this post and beam had not been bastardized, then this would be a different situation.

Carol feels they should take Mr. Boland's suggestion. We're having this special meeting to accommodate you and I don't think we should rush into making a decision and it's not going to go away.

Marcene will differ with Tom Boland; her first impression was that they were being defiant. The process is flawed since this should have been brought before us. She feels it's not arrogance but a misunderstanding. Also we have to talk about the time that we've asked for support from the basement brigade and we're told that they don't have staff. She views the case as more complex than it looks. Some of your intentions were honorable. She believes that a fine should be assessed at

\$250/day since last Friday but that's her sense in this situation and whether we go back to when Carol & Polly were there remains to be determined.

Tom Boland told them that \$10K was the fine for the Foley House – it was a negotiated fine. That money was disassociated into a special fund and set aside for the historic district. The point is – doesn't matter where the fine goes - it is for the HDC to get some good outcome from it.

Recommendation would be to take a step back and see what would be fair. Agrees with Marcene that it's very complicated.

John Hopkins doesn't think they had bad intent. The point is that this may set some kind of precedent - demolition is a big thing and if there is not a penalty – then it will become the norm. John then told a war story of a friend of his in Boston and how difficult and expensive it is to refurbish historically.

Doug Taylor, the Building Commissioner, then asked, "Why wasn't this meeting publicly notified?" He was told it had received the mandatory 48 hours notice. Then he asked, "Why weren't the abutters notified?" He was told that it wasn't necessary for this type of "show-cause" hearing.

John Hopkins suggested the HDC just let it go until the next meeting. Doug T. said he has no opinion and he just wondered.

Glen Parker, again wanting to take full responsibility, said that any fine that gets levied - any fine that you see fit – will come from me.

At the conclusion of these discussions the following motions were made:

Motion: Move that the Historic District Commission vote to go into executive session, pursuant to MGL C.39,§23B, clause 3 for the purpose of discussion strategy with respect to litigation and to convene in open session thereafter.

Ayes: Polly Burnell, Marcene Marcoux, and Carol Neal Vote: 3-0-0

(Fifteen minutes were spent in private deliberation.)

Motion: Move that the Historic District Commission vote to reconvene out of executive session, pursuant to MGL C.39,§23B, clause 3 for the purpose of discussion strategy with respect to litigation and to convene in open session thereafter.

Ayes: Polly Burnell, Marcene Marcoux, and Carol Neal Vote: 3-0-0

Carol Neal spoke first to the gathered group and said that because we don't want to take this lightly, we now have to do our research. Then you're asked to come to our regularly scheduled meeting on next Wednesday, January 17th. It's not to punish you but we can't find a solution without giving it the time and energy that we should.

Cheryl Bready said she appreciated the time the HDC has devoted to this issue.

Marcene Marcoux said she would have preferred fining you \$250/day but her motion would not have had a second.

Carol now has more information than we had before and it will serve the town better to have a full review. We will give you the notice of violation and any additional information you need for the next

meeting.

Unscheduled Administrative Review:

A Wellfleet woman who has been engaged to suggest a redo to a garage located at 8 Cook Street came in for advice. She had no idea of what the client wanted so it was suggested that she come back when she knew what she wanted.

Minutes of the January 3, 2007 meeting.

Motion: Accept the minutes as written.

Motion: Carol Neal Seconded: Polly Burnell Vote: 3-0-0.

The meeting adjourned at 5:50 p.m.

Respectfully submitted,

Evelyn Gaudiano

E. Rogers Gaudiano

Approved by _____ on _____, 2006.

Carol Neal, Acting Chair