

# HISTORIC DISTRICT COMMISSION

February 21, 2007

Judge Welsh Hearing Room

3:30 p.m.

**Members Present:** Polly Burnell, Nathan Butera, John Dowd (arr 3:47p), Marcene Marcoux, Carol Neal (arr 3:47p), and E. Clothier Tepper

**Members Absent:** none

**Staff:** Matt Mulvey and Maxine Notaro

**Others:** Many contractors and architects

## Administrative Reviews 3:30 p.m.

**19 Tremont Street** – Replace windows on Tremont Street side of the house.

All will be 6 over 6 white Anderson. They were originally 9 over 6 and will be replaced with the 6 over 6.

**Motion: Accept the plan as presented with the condition of allowing half screens.**

**Motion: Nathan Butera      Seconded: Marcene Marcoux      Vote: 4-0-0.**

**WOMR antennae** This is allowed under 15-11-3-h temporary structure and doesn't need review.

At 3:47 p.m. all members were in place.

John Souza wanted clarification on **4 Conwell Street** which is right behind FarLands. He is renovating the two end units and wondered about a Cape style door – with half glass. But, John said, if we do 2 over 1 – we will wind up with a mish mash.

**Motion: A clarifying motion was to accept the new proposal under guideline 15-11-5c.**

**Motion: John Dowd      Seconded: Carol Neal      Vote: 5-0-0.**

Fred deSousa is doing work for Rick Silverman at **30 Alden Street** and would like to build a deck above an existing deck. He's trying to go by the rules and Maxine advised him to apply to the HDC.

It would allow a 2<sup>nd</sup> means of egress.

The Commissioners said the plan was fine.

**334 Commercial Street** – It was deemed to be a simple renovation and as such was O.K.d by the Commissioners

## Approve meeting minutes

Marcene Marcoux hasn't finished rewriting them yet so they were unavailable.

## Public Meeting 4:00 p.m.

2007-11

**Application by George Dunlap** 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 remove an existing landing and construct a 10' x 12' deck in its place at the property located at **11 Pleasant Street, Provincetown, MA.**

Mr. Dunlap was told that the group had already looked at the property and decided it needed a full hearing. George Dunlap said that this deck will be essentially at grade level. Mr. Mulvey advised him that he must put a railing on the steps because they exceed 3 risers but the deck will not need a railing.

**Motion: Approve as presented.**

**Motion: John Dowd            Seconded: Carol Neal            Vote: 5-0-0.**

Robert Valois had several questions on different properties. He thought it was prudent to hear the opinions of the HDC before he began designing.

**32 Bradford Street**– This property is across from Tips for Tops and is a garage; Robert would like to demolish it. The 2<sup>nd</sup> floor roofline would stay.

Question from Robert Valois - If I came before you with a request for a demolition – would you approve? John Dowd answered that it looks like a 2-story work building. The Board wants it to retain as much original fabric as possible. Just upgrade it and basically keep the look. Robert said that it should be going up a foot and a half because of the need for a foundation. He doesn't need a decision now but just wanted your opinions.

**151 Commercial Street** – This is the building with a business called Symbology. The owners are proposing a roof deck (over the first floor porch which abuts Commercial Street) and they want many other renovations. Carol said that it's an historic storefront. John feels as though you could have the 2<sup>nd</sup> floor deck but only if you replicate the 1<sup>st</sup> floor and make it match. This will eventually come back in front of you.

**149 Commercial Street** - On the beach behind the Monkey Bar (Rood's property). The 2<sup>nd</sup> & 3<sup>rd</sup> floor have to have an egress. It's one condo. That property was discussed.

Small garage on **School Street** – R.V. is still working with the client on how to proceed. We may not be able to do anything with that building.

**Jack Donovan's** house? Would like to expand the 2<sup>nd</sup> floor. Again...discussion. The Black Pearl was shown as an example.

### ***Open communication between the Building Industry and the HDC***

Peter Page, representing a large group of contractors, initiated a dialogue between his group and the HDC - but first - his own personal inquiry.

He has a window replacement on **4 Mozart Avenue** and there are 2 condos in there – currently the house has all different windows. He has two newer Anderson windows and the owner is taking his cue from those windows. He'd like 6 over 1 replacements. It's a pretty typical old Provincetown house. It looks like an improvement.

**Motion: Accept the plan as presented.**

**Motion: John Dowd            Seconded: Nathan Butera            Vote: 5-0-0.**

Peter said that he had intended to start this dialogue about 6 months ago. He had a meeting with his

group a few weeks ago and the discussion centered around the HDC and the challenges and difficulties that the contractors had with them. The article that Jonathan Sinaiko championed for last fall's town meeting said it all.

But, as he's sitting here representing a group, he further said that we want to work with you. We're ready to compromise – but if we can't – then we'll bring an article before the town meeting again. However, we prefer working with you and compromising.

"You guys know that I'm on Zoning and so between that and being involved with contractors, etc. - the perception that people have of you (the HDC) is not good. Every case is not the same but he just heard from a lawyer who represented a client and he was totally denied by the HDC. A new owner came in with the same plan and was approved.

John Dowd said that when we hear that people are negative, we'd like to hear from the people and make it a specific. Polly Burnell was under the impression that the whole group of contractors was going to come before us.

Peter resuming his talk said that **people want more structure** when they come before you. They feel you take away the client's originality when you draw all over their plans - they feel insulted by this. He doesn't even think it's legal. Your recommendations should be coming from your guidelines - not your preferences.

Under **Administrative Review** – what is it – it's not clearly defined? We have two fee structures and they are not clearly defined. What's the timeline? He'd like to have a set timeline for an administrative review. We'd like to see it looked at on a timely basis. Does an administrative review come before the whole board?

Next - on the subject of **certificates and decisions** – Peter has heard they get written and filed and he has never seen one!

**Low-E glass** – Maxine said we had a policy and whatever it is - is contained in the guidelines. Have you heard anything about **MA building codes**? All the Cape is putting through a hurricane window requirement with increased glass density. – if you don't do that it will affect your insurance rate.

There are lots of new rules pertaining to receiving wind force: storm shutters, hurricane force glass, and another option is still plywood panels which have to be custom made, contained on the property, and installed with heavy steel clips.

Matt Mulvey said that they are concentrating on codes as they are right now and we haven't seen any track record since the 1938 hurricane so we're paying the price for this. All the big window companies are currently working on this.

As of July 1<sup>st</sup> the 7<sup>th</sup> edition of building code will be used.

Matt said the framing of buildings will also be in this new code. 2 by 6 walls are also what you're looking at.

**Hardy Board** is another issue said Peter. Mid Cape stocks only the regular Hardy Board. That's the

way we're moving – toward man-made materials. Wood is a terrible waste of natural materials. He's not an environmentalist but he feels we use far too much wood in our construction. Long term effect – of man-made material – environmental impact is just incredible. Ask Keith Bergman what he thinks. All the rotted wood just fills in the land fills - needlessly.

John Dowd said that every time someone puts in new windows they toss the trim when they should be repainting it. John gave his house as an example. A contractor told him – tear it down – and build it up again. John scraped, painted, and through sweat equity, now has a fine home. Peter said that if people have to pay to have workmen do that it could become a tremendous financial burden.

Norman Barry - one of the contractors from Peter's group - said it's very difficult to find people who are that meticulous – it's very difficult and costly – but the wood has to be disinfected and scrubbed. Maybe there could be a relationship there and there may be people who would do that. People want maintenance free! Simply put they like the look of a well-maintained home. It's getting so expensive to do this.

Peter said, "You did a very limited repair, John, but it's no longer feasible to save what is in disrepair."

John Dowd responded - why don't we just do the whole façade over? We're supposed to be here to save what exists. Do you feel it's wrong for us to insist that these materials be preserved?

Deb Paine already did an information session for us. Azek was the case in point. Peter likes this approach – for his group to inform the HDC on new building materials.

John said that we've allowed Hardy Board on the water side of properties. Peter wants it approved and to be in the by-laws.

Next on the subject of **scale** - it is a zoning issue. People have complained about the scale that HDC talks about as opposed to Zoning. John talking about scale – little confusion about that – citing Law Street as an example.... To the HDC, scale means proportion.

Peter wants to know about reference books – photos of the Town. Could we bring that to the attention of the applicants. Lots of material in the library and more can be found downstairs.

John said - if you don't want any of my expertise – he draws because he knows what it used to look like.

Norman Barry said that the sooner you can have pictorial examples – the better. Your wealth of knowledge is what people want – but they'd like it in advance - not as an after thought.

Peter said he's just been asked to bring some of this to the HDC. He doesn't want to make anyone angry..... compromise – we have to give up things, too.

Regarding **Eric Dray's survey** – it's being done for the historic commission. Is that survey just for the historic district or will it eventually be for the whole Town?

Peter – referring to the old list – **contributing and non-contributing** – when the survey is completed,

will it have just that? Peter asked - will this survey eliminate the need for coming in for reviews?

He would like to see a member of his contractors group nominated to a position on the HDC. A nominee should have working knowledge of building. Matt said that this would be a Town meeting issue.

Peter suggested that the HDC educate themselves on what is **salvageable**.

There is a house next to Franklin on Bradford and he couldn't get a demolition permit so he tore it down by degrees. You get permits and you're then left with the sheathing and the old framing. Peter gave a primer on how to demolish... slowly!

Norman said that what you're talking about is a public relations issue. Old buildings are wonderful but OSHA has a lot to say about them.

Marcene insisted that new man-made products haven't been tested and could cause health problems down the road.

Peter said that preservation and restoration are two different things. His people lean toward restoration. John Dowd said that we're not making rules – most of it is re-creation. Peter said that the public's perception is you lean toward preservation and like Norman said, it's a public relations issue.

Peter then asked - "What is the board looking for?"

Marcene proceeded to state that – part of the difficulty – was a struggle between the Board and the Building Commissioner. Part of where the contractors were caught was because we put in a lot of hours in to rectify this. With a new Building Commissioner, we can move forward. So your dilemma was part of our dilemma.

Peter asked - a roof replacement – it's to be approved now and without an Administrative Review??? When this happens could this be clearly put down as a policy.

Marcene again said – what you need to know – we were pulled and the process was odd and we have a new Building Commissioner so now everything should be changed.

Peter is having another meeting of his **contractor's group on March 15<sup>th</sup> at 4:00** p.m. at the Community Center. Carol Neal said that perhaps one of the Commissioners could attend.

Peter and Norman were both thanked for their frank input.

**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.**

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

After coming out of the Executive Session, Marcene reminded everyone of the Commissioners to look at the editorial in the Banner. It was positive.

Also, it was discussed that the HDC should be putting an article together for the Annual Town Meeting on punishments for unapproved demolitions.

Annie Howard (anxious to get into the meeting room for her 7:00p.m. combined meeting between the Planning Board and the Local Housing Partnership) entered and was asked by the HDC if a public hearing were necessary prior to submitting an article for the Annual Town Meeting. Answer: Yes, if a board submits an article it must first have a public hearing.

John Dowd suggested having the applicant who demolishes - go to the end of the new construction queue. Carol would want it to be the same footprint and height, etc.

Adjournment finally happened at 7:00 p.m.

Respectfully submitted,

*Evelyn Gaudiano*

E. Rogers Gaudiano

**Approved by** \_\_\_\_\_ on \_\_\_\_\_, 2007.  
John Dowd, Chair