

HISTORIC DISTRICT COMMISSION

September 17, 2008
Judge Welsh Hearing Room
3:30 p.m.

Members Present: Polly Burnell, Joe Collins, John Dowd, Marcene Marcoux, David McGlothlin, and Carol Neal.

Members Absent: Clo Tepper

Staff: Russell Braun and Maxine Notaro

The meeting was called to order at 3:35 p.m.

162 Commercial Street

This property has been gutted and will almost have to be a demolition without permission. The owner had originally asked for a demolition and when it was denied, then asked if he could just remove the rear wall of the house.

Gary Locke working with Greg Morris said that they began work on September 15th and by September 16th – one day later - the house was unstable. Gary claimed that the building was full of rot. John Dowd said that taking all the interior walls down and concluding with the removal of the rear wall would make any building unstable.

Neighbors said that the use of heavy equipment inside the house certainly didn't aid the integrity of the structure. The conversation went on and on, back and forth accusations and recriminations until finally a letter was presented from a structural engineer who reinforced the instability of the building. Greg Morris said that he has all the moldings torn from the building and he said he even had pictures of the building and its rot.

Carol wondered why Gary hadn't come to the HDC before when they first noticed all the rot. Again, Gary said that the situation developed in one day. When much the same situation happened in January 2007 with 531 Commercial Street, the owner's contractor, Glen Parker, did come before the HDC at every stage of the "selective removal" of rot, and yet he was fined quite a large amount.

Gary said that he's not trying to misrepresent this entire situation. Marcene said that what bothered her was that she had to read about it in the Banner – without any contact from the contractor! Carol pointed out that we've amended a by-law and have increased a fine-per-day for unauthorized demolition.

Russell Braun was asked for his opinion since he was the Town official called on Tuesday when the rot was discovered. He advised the contractor to go to the HDC at today's meeting to plead his case. He also said that it's hard to determine if this renovation helped wreck the building.

John cited that 12 Cottage Street had everything re-milled and it came out very well. Russell said that in most cases like this detailed drawings are necessary. Joe Collins wanted to know if there's an inventory of the materials that had been removed? Greg said, "No, but again he referred to his pictures. Gary said that if you'd like he can supply detailed plans of what is being torn down. Even the chimney is gone because it had rotted?

Joe Collins said that - at the very least – before taking down the chimney you should have come to us. Gary, once again, assured the HDC that he wasn't trying to pull a fast one.

Both Carol and Marcene seemed to favor stopping the demolition right now until they were able to conduct a site visit. Polly also felt they couldn't determine what could and couldn't be saved at this point. David McGlothlin, a brand new member of the HDC, said that he felt any further demolition would be detrimental to

the integrity of the building. He said that he doesn't know that much but when you bring in heavy equipment to fix a house that makes it a demolition. All members felt that an inventory will be valuable.

Motion: Move to make a site visit of 162 Commercial Street immediately!

Moved: John Dowd

Seconded: Carol Neal

Vote: 6-0-0.

There were approximately 20-25 people in the audience waiting for other cases to be heard but they had to wait until 4:45p.m. until the group returned from their site inspection.

It was also decided that the Administrative Reviews would be postponed until the end of the meeting.

Public Hearing 4:00 p.m.

2008-32

Application by Deborah Paine, Inc. on behalf of Tom Fielding 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 a modification to second floor addition previously approved at the property located at 1 Tremont Street, Provincetown, MA.

Deborah Paine presented the plan which has been revisited quite a few times. John Dowd who is an abutter stepped down. Deborah said that this is a project that came before you last year as a Neal Kimball plan and was approved. She had a new plan and a collection of slides to prove points of neighborhood history, height, scale, and appeal to the neighborhood, etc.

The new plan requests only 2'7" more in height just to give the owners head room.
(The original plan by Neal K. asked for a height of 25 feet.)

Neil Toelle, an abutter, spoke favorably about the new plan. The Commissioners noted that there was a lot of resistance from the neighbors initially and now only one neighbor was in attendance and in favor of the plan.

Carol was concerned about taking it so high in the proximity to other buildings in Town. There had been a compromise with Neal Kimball allowing cottages to be increased in height.

Deb said that she's like to come back with a very complete drawing and she realizes that this is a high profile job. Carol wants more detail and Deborah said that she'd like to come back with it as an Administrative Review.

Motion: Move to accept the application with the elimination of the gambrel roof, and showing details of the following items, wood door on Franklin Street, shutters, window & door panel trim, stairs and detail of all the afore-mentioned items.

Motion: Marcene Marcoux

Seconded: Joe Collins

Vote: 4-0-1 ab (PB)

2008-33

Application by Berg Family Trust 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 reconstruction of the structural components of the pile supported outer section of the restaurant. Project includes removal of existing enclosed dining area on the lower level, with replacement of permanently enclosed dining area to a seasonal enclosure at the property located at 371-373 Commercial Street, Provincetown, MA.

Matt Mulvey, our former Building Commissioner, represented the owner by detailing for the HDC what he intended to do. Part of the project is being driven by Chapter 91 mandates.

Motion: Move to accept the project as presented.

Moved: John Dowd

Seconded: Carol Neal

Vote: 6-0-0.

2008-34

Application by Mark Kinnane of Cape Associates on behalf of Brad Horner 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 install all new windows, convert an enclosed porch to an open porch, add two clear-story dormers and two skylights on the main section of the house, re-frame left addition roof and add dormer, change flat roof dormer to a dog house dormer, remove right rear bump out and second floor area on rear addition at the property located at 3 Dyer Street, Provincetown, MA.

Mark Kinnane presented the proposed changes and remodeling of this property. There were many changes to be made and the drawings weren't clear to the Commissioners. He also said that the new owner doesn't want it to look entirely new.

Polly Burnell left at this point in the discussion (6:15 p.m.) Mark said that he'll bring out detailed drawings. The owner is flexible on a lot of things but what he really wants is a clerestory; John said the majority of the plan is o.k. but let's leave it for now.

Audience participation was asked for at this point and there were several comments from the patient audience.

Meg and Maureen had a letter of support as they own nearby property.

There were two women who live on Young's Court and said that they have an intimate view of the property and don't want the clerestory dormer because they want to maintain the historic integrity of the building. They provided old pictures of the property to prove their point.

Patricia Meads had a question about the kitchen. She said it's a foot from her property line and she wondered what was going to happen to that wall. She was told that the kitchen would remain at the rear of the house and just swap locations (from west side to east side) with no change in the existing wall. Mark promised Mrs. Meads that he would drop a set of plans off to her in the near future.

Motion: Move to continue until the next meeting when we will have correct drawings on all of this.
Moved: John Dowd Seconded: Joe Collins Vote: 5-0-0.

2008-35

Application by Joyce Holupka/Todd Silva 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 renovations to a two-story structure, which includes an 11' x 16' two-story addition and decks on the south (water) elevation at the property located at 485 Commercial Street, Provincetown, MA.

At this point in time the Commissioners were growing weary and three men presented their plan with excuses on why the decks were needed. They had an impact statement of sorts that referred to the building getting a new lease on life, etc. They added that the owners are highly impacted by other buildings. Their vista is tunnel vision.

Motion: Move to approve as presented.
Moved: John Dowd Seconded: Carol Neal Vote: 5-0-0.

2008-36

Application by Robert Valois on behalf of Warren Cresswell 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 construct a 13' x 18' one-story addition and alter the shed roof slope by 1' 0" and to change a gliding window to a double-hung window at the property located at 415 Commercial Street, Provincetown, MA.

Motion: Move to approve the plan as proposed.
Moved: John Dowd Seconded: Marcene Marcoux Vote: 5-0-0.

At this point Maxine Notaro, the Staff person, had to attend another meeting at 7:00 p.m. so there was a conversation about just approving all of the Administrative Reviews that were minor proposals. Neal Kimball said he wouldn't be able to present his 333R Commercial Street plan because he, too, had another meeting. He then rushed back and said he had been excused from his meeting and could present the plan. (By that time the recording secretary had called for a ride and left. – If any of you can give me any insight on what transpired after 7:00, I'd appreciate it and will include it in the minutes.)

Thank you in advance.

Work Session – Pending Items

Administrative Reviews

◆ 14 Center Street, Unit #2, Provincetown, MA

Replace garage door with an insulated door exact or similar in style (Replacing wood door with recessed panels with a steel insulated door with raised panels).

◆ 2 Carver Street, Provincetown, MA

Remove and replace door.

◆ 286 Bradford Street, Provincetown, MA

Replace window in kind.

◆ 405 Commercial Street, Provincetown, MA

Replace windows in kind.

◆ 5 Fishburn Court, Provincetown, MA

Replace North-facing window with 2/2 slightly taller than existing windows replaced in 2003, replace single 1/1 window with three windows hung together to match kitchen window style installed in 2003.

Continued Case

2008-27

Neal Kimball of Kimball Residential Designs, Inc. on behalf of Boatworks Building LLC; William Bonn for review of revised plans for 333R Commercial Street, Provincetown, MA

North Elevation: Add 2/1 window with two smaller windows on the 3rd floor to be split sash awning.

Motion: To accept as revised.

Moved: John Dowd. Seconded: Carol Neal. Voted: 5-0-0.

Existing and Proposed Scale

Motion: Scaled plans for existing and proposed to be ¼" = 1' or 1" = 1'.

Moved: Carol Neal. Seconded: Marcene Marcoux. Voted: Unanimously.

Meeting adjourned at 7:35 p.m.

Respectfully submitted

E. Rogers Gaudio

Approved by _____ on _____, 2008.

John Dowd, Chairman