

Historic District Commission Minutes
Wednesday, March 31, 2010
Grace Gouveia Building, Room 10
26 Alden Street, Provincetown, MA 02657

Historic District Commission Members Present: Carol Neal, Marcene Marcoux, David McGlothlin, Polly Burnell and Nathan Butera.

Excused Absent: John Dowd.

Staff Present: Maxine Notaro, Permit Coordinator.

Carol Neal, Vice-Chair called the meeting to order at 3:30 PM.

Agenda

Discussion regarding Boat Works Building, 333R Commercial Street

The Commission members sent a letter to Russ Braun, Building Commissioner on March 04, 2010 requiring enforcement on this property. Russ Braun responded back on March 9, 2010 and the HDC sent a subsequent letter to Mr. Braun on March 22, 2010. They thought they would have received further correspondence from Mr. Braun, however, Mr. Braun had requested this property be placed on the HDC agenda for April 7, 2010.

The Commission members said this property is clearly in violation. They would like to see the structural report and the date of the report. One of the questions of the board is if the report submitted was before the roof and sides were removed or after.

The board members discussed consistency. This and every demolition project, without commission approval, must be treated in the same manner as that of 531 Commercial Street.

Board members discussed how they fined and resolved the issues with the 531 Commercial Street demolition without approvals. The HDC issued, through the Building Commissioner, a Stop Work Order and a fine of \$250.00 per day was levied from the time of violation up to and including the date that the building was framed and the shell of the building reflected the approved plans by the HDC.

Carol Neal mentioned the two buildings that were demolished at 361A and 361B Commercial Street. These two structures went through the demolition public hearing process and the commission members made a series of on-site visits with the Engineer and the Building Commissioner. Matt Mulvey kept coming back into the HDC meetings to report back and update the commission members on the demolition and re-construction along the way. However, we do not have the same situation here. There are no reports, no answers to letters and no enforcement. It might be that the Commission members need to revoke the HDC Decision/permit, especially since the footprint has changed.

David McGlothlin said he questions the fact that the footprint has changed. It looked smaller and when he asked that of the engineer, he was told the footprint has not changed. As a matter of fact, the property owners' representative was a little confrontational with the commission members.

It was mentioned in the HDC meeting that it was clear the engineer and contractor were meeting with Russ Braun

every week, however, the HDC is supposed to be kept informed as well.

Polly Burnell said she could not see how there could be any alternative to make it right because the commission meets every two weeks and no one has come before the commission with reports. They must follow what the HDC decision was and follow the commission's mandates.

David McGlothlin said there is a chain of command that is obviously not being followed. Do we need to have these discussions with the Town Manager and Assistant Town Manager on this?

Marcene Marcoux said the Building Commissioner obviously will not enforce the fines and he won't make them go back to the original footprint. We have our request and it is being abrogated.

The Commission members wanted to make sure they were doing everything procedurally; therefore, Polly Burnell read ch40C, section 13.

Based on Ch 40C, Section 13, it sounds like the commission can go to the Selectmen if the Building Commissioner is not backing the HDC up.

The Commission members will compile a list of violations and specifics on what the HDC believes needs to be done to the building to bring it back to the way it was.

David McGlothlin, not being familiar with the 531 case, asked what happened with 531.

Marcene Marcoux said they had to pay fines on a daily basis until the building was completely framed.

David McGlothlin said no one has been working down at 333R Commercial Street for at least 30 days.

The Commission members mentioned that no fines were imposed on the 24 Franklin Street project either.

The Board members said the fines for 333R Commercial Street should start from March 4, 2010, which is the first letter the HDC sent to Russ Braun requesting he immediately issue fines to the property.

Polly Burnell said the letter back from Russ Braun dated March 9, 2010 states he is trumping the HDC bylaws and stated section 15-11-14 of the HDC bylaws.

David McGlothlin said the commission realizes safety does trump historic; however, the issue here is the procedures were not followed. The HDC needs to be informed of what is happening and they feel they have not been.

Carol Neal said the HDC members for the 361 A & B Commercial Street property were part of the process and kept informed every inch of the way.

David McGlothlin said the building commissioner and the 140 Commercial Street property owners with the stair situation kept the HDC members involved and worked with the Commission.

Marcene Marcoux said had they brought us down to the property at 333R Commercial Street for on-site visits

and kept us informed, it would be a different situation now.

Carol Neal said Polly Burnell made a good point earlier on, that is, these buildings have been standing for 200+ years whereas, the materials of today are not as good.

The commission members discussed the following:

- List of violations
- Guidelines
- Same procedures as that of 531

This way the commission members can see if they need to notice it out or not.

Polly Burnell read the memo from the Building Commissioner again and is concerned about the new building codes and wanted to know if everyone is now going to be ripping the building down to meet new codes.

Marcene Marcoux said she had been spending a lot of time familiarizing herself with the building codes. The building codes also have a different way of handling historic buildings vs. new construction.

The members questioned the Chapter 91 issues with respect to the demolition.

Motion: To send a Violation Notice to the property owner of 333R Commercial Street.

Moved: Polly Burnell. Seconded: David McGlothlin. Voted: 5-0-0.

Review and approve previous minutes

Motion: To approve the March 17, 2010 minutes as presented.

Moved: David McGlothlin. Seconded: Marcene Marcoux. Voted: 3-0-2. (Nathan & Polly)

Motion: To approve the March 22, 2010 minutes as presented.

Moved: David McGlothlin. Seconded: Marcene Marcoux. Voted: 3-0-2. (Nathan & Polly)

Adjournment: 5:30 PM.

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Respectfully submitted,

Maxine Notaro

Permit Coordinator/Recording Secretary

Approved 4/07/10 meeting