

HISTORIC DISTRICT COMMISSION
EMERGENCY PUBLIC MEETING
Judge Welsh Room, Town Hall
Provincetown MA

THURSDAY, AUGUST 10, 2017

Members Present: Thomas Biggert (TB), Chairman, Pilgrim Monument Rep; Marcene Marcoux (MM), Vice Chair, Chamber of Commerce Rep; Laurie Delmolino (LD), Historical Commission Rep.; Martin Risteen (MR), Alternate.

Absent: Lisa Pacheco-Robb, PAAM Rep; Hersh Schwartz, Alternate.

Also present: Annie Howard, Building Commissioner.

1. Discussion to determine whether activity taking place at 509 Commercial Street is in violation of HDC Guidelines.

Kevin Bazarian (KB) presented, said he understood the need to maintain the historical integrity of the house, but suggested the problem as such:

Historic approved four elevations, which he said is pretty, and it then became his responsibility to build to code. In his proposal was to take the gable in the back and move it eight feet toward the water which required taking down the current gable and constructing a gable in the rear, and raising the second floor 2' to give proper head-height – all of which was in the original plan. But, in raising the floor, a new inside deck was needed and in order to build the dormers they need to start from the floor and have continuous framing to meet code which necessitated demolition.

KB said they wouldn't touch the front gable, the Pequod will keep all the details in wood as was agreed upon; that he understands how the condition of the property, in lieu of demolition, looks from the public's point of view, but everything being done is necessary for the re-build.

MM said she understood KB was in agreement with the specifics of the original build, but that he should have returned to HDC with the details of the demolition going forward; that bulldozing is a troublesome facet of his take-down approach and that while communicating with Building Commissioner Howard and David was the correct approach, his responsibility also lies in communicating progress with HDC if there is any potential for violation in the build.

TB questioned if the preservation of historic materials had been put in jeopardy with the demolition and asked why the rear gable had to be taken down, why an element could not have been added to it. KB responded materials on the right side, the planking would be preserved and the rear gable could not be preserved as it is to be one big open room and they need the head-room; that the slopes would be sistered.

LD remarked that KB was essentially building a house within a house; which KB agreed was accurate. LD then questioned if this would trigger FEMA, to which AH remarked that this is not 100% assured as FEMA's 50% or greater mandate for zoning is based on the cost of construction and fair market appraised value. As of now, AH continued, the cost of construction received is just below the 50% threshold; that currently the demolition situation alone does not move the marker to 50% or above but that it is paramount that AH be fully informed of all re-build plans to ensure the applicant avoids a change in FEMA zoning status.

MR mentioned the importance of the FEMA triggers and his concern with the method of taking a bull-dozer to an historic building, which was corrected by LD who said MM was using bulldozer as a metaphor.

KB asked what is to happen when HDC approves elevations and a building permit is issued and there is a substantial amount of demolition required as the only true path to the build. MM replied that the builder/applicant must then contact HDC for adjustments in order to integrate changes into code, possibly requiring a further application.

KB said it was their intention to get HDC on board with the change in plans, but yesterday had been a difficult day and he'd been up at three in the morning with worry, then contacted by AH at 7:00am; that he was not trying to disappoint HDC and looked at the situation 15 different ways trying to figure out how it might have been done differently.

MR asked to review the math; the facts of the fabric lost: KB responded per what remains, including all four walls on the first floor existing; one gable existing; second floor partially existing; 3 or 4 feet of the second floor walls existing. AH remarked that she had not as yet assessed for herself the degree of fabric lost to the demolition. KB added that basically the roof and half of the second floor walls and the gable is affected.

LD said she had spoken with AH per what is 25% and of what; that she knew the roof would be going and so HDC is basically looking at walls, and probably at 35% or in that range if not taking into account the roof.

TB reported that according to the HDC bylaws it is a demolition and according to those bylaws the house must be rebuilt as it was. LD noted that this is not HDC's first conflict in this kind of scenario, and TB remarked on the prospect of having a new house sitting in an historic district, referenced 48 Bradford St. and that if the structure has to go up 4' it is HDC that gets the push-back.

MR asked LD what she recommended as she had been to the site. LD responded that she could not make a recommendation; could only offer that in going forward with other projects, the insight be a part of the application process. MR remarked that AH could not be holding hands with applicants on a step-by-step basis.

TB suggested adding to the application the amount of materials to be used. AH said that a better, clearer narrative will include specifically *how* a builder is going to get there; that KB's approved plan did not produce the expected results.

KB remarked that it was a post-and-beam building, which MR said is interesting as a methodology of building that is curious when applied to HDC code; that the sistering of walls and other building protocols have pretty much become a practice that has been ignored here; that he is not accepting of what has been done; that the building is in violation.

TB read the original application specifics which did not include the parameters of a demolition. HDC agreed with AH that the site visit should occur now; LD said she would need to be excused and left the meeting, but returned to say she had cancelled her meeting and could remain.

MM stated that her recall is HDC being pleased with what had been approved with the original decision but that a demolition had since come to pass; stressed, again, the need for the applicant to return to HDC with updates that are vital to maintaining policy and code.

TB made a motion to adjourn the meeting for recess in order to conduct a site visit. LD seconded the motion, and it passed, 4-0-0. TB, LD, MM, MR.

Meeting adjourned for site visit at 12:27pm.

TB, MM, MR and AH resumed the meeting following the site visit to 509 Commercial Street.

PTV video picked up on already-launched discussion concerning definition of fair market value of original structure, which AH said could not have been taken off the Assessor's card as the original building value was so low.

TB referenced 479 and the fence extension on the water that had not been taken down. AH said she spoke with AJ who is going back to his client and asking for direction, whether to go to HDC and take their chances. AH said she has learned that Mrs. Moore has allowed the guests of the Inn at Cook St. to use her lawn.

TB suggested making a motion to adjourn the meeting. MM stated for the record that the HDC had called an emergency meeting today and made a site visit to 509 Commercial Street.

TB said the solution will be to continue to use the post and beam, add to the current post and raise the floor 2'. AH added they will use the old planking, old beams, old joists where possible and integrate old materials. MR prompted TB to relate to the public that the property will be made better secured and remain in HDC's watchful purview.

MM added that HDC now has a list of conditions to be met that was also signed by the contractor and had found a good remedy, which is a relief.

MR thanked AH for organizing the meeting and fostering a great response to the situation. AH said she had fielded a number of calls of concern from the public including abutters. AH addressed the public in encouraging residents who have issues with building and property work to investigate the job and, where relevant, organize a petition – to become pro-active in their neighborhoods.

TB made a motion to adjourn; MM seconded the motion, and it passed, 3-0-0. TB, MM, MR.

Respectfully Submitted,
Jody O'Neil