

HISTORIC DISTRICT COMMISSION

January 3, 2007

Judge Welsh Hearing Room

3:30 p.m.

Members Present: Polly Burnell, Nathan Butera, Marcene Marcoux, Carol Neal, and E. Clothier Tepper

Members Absent: John Dowd (excused absence)

Staff: Maxine Notaro

Work Session - 3:30 p.m.

Marcene Marcoux referred to Guideline 15-10-1 **Enforcement and Penalties**. She then referenced Guideline 15-10-4 that “the Commission may designate the Building Commissioner to pursue non-criminal disposition under G.L. c.40, 21D.” Marcene said that the Historic District Commission has the authority to empower the Building Commissioner to enforce the decision made by the HDC. The question is whether he is accepting the role of enforcer. The HDC has the right to follow through on all alleged violations and this is made very clear in terms of the Guidelines and the Rules and Regulations. We can go to Barnstable Superior Court but clearly something needs to be done. Many town residents have been complaining to the Commissioners about the flagrant disregard of HDC approved plans.

Clo Tepper wondered if we should first speak to Doug Taylor, the Building Commissioner, and then determine how to proceed. Should we have a motion now? Many people in town are aware of the disregard of our decisions. We should start with a specific property. We should get in writing whether Doug Taylor wants to enforce HDC Guidelines or not. Carol Neal did add that we don’t want to be policemen.

Motion: Designate Clo Tepper to speak to Doug regarding enforcement of Guideline 15-10 (specifically 15-10-4) in general and specifically refers to 531 Commercial Street and any other future problems.

**Motion: Marcene Marcoux Seconded: Polly Burnell Vote: 5-0-0
Carol Neal, Nathan Butera. Marcene Marcoux, Polly Burnell, and Clo Tepper in favor**

12 Johnson St – replace windows. AJ Martinez appearing for owner of Carpe Diem. The project was approved

5 Fishburn Court – the applicant wants Harvey windows. Looked at photos – view from Pearl St is mostly obscured and not visible from public way. Has tenant who wants to move in on February 1st. 2 over 2 windows. The project was approved.

522 Commercial St – AJ Martinez also. Was built in 1984 (back part of the house) replacement in kind. The project was approved.

616 Commercial St. White Dory condo – 2nd fl unit. Replace in kind with exception of the front door. 15 lgt replacing a 9 lgt front door. Approved.

45 Commercial St – Jones Locker – Nathan Butera stepped down because he's an abutter. Replace in kind. The project was approved.

Bull Ring Apts. Entire complex would like to use Azek trim. Just like they have on the building east of it. Contractor asked Maxine Notaro yesterday about the possibility of Azek. Marcene Marcoux has a problem – The Bull Ring is very visible, quite historic, and she doesn't think Azek appropriate. Clo Tepper would like the case presented as a full hearing. **Consensus of board – full hearing** – by virtue of the size of the project alone.

Marcene Marcoux is tired of having the HDC receive incomplete applications. She is tired of asking – “Do you have this and do you have that?” Maxine says every application has a check-list but every application is different. Marcene said the HDC is continually asking applicants questions about missing material and sometimes there are no photos, no dimensions, no elevations. Commission cannot accept applications that are not complete.

Doug Taylor, sitting with the public, interjected why dimensions are not always listed. He said it was certainly within HDC purview to reject an incomplete application. Doug Taylor says we don't have the staff to personally guide every applicant. Maybe the HDC needs a part time person? The current load is such that we, in the Department, can't do it. ZBA and Planning just won't look at an incomplete application. Also, many of these are presentation documents and don't have to have all the details in the application. Planning has continued cases for more information. Marcene insisted, "We do need to know about heights and elevations."

Public Hearing 4:00 p.m.

2007-01

Application by Douglas Taylor 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 demolish an existing studio and create a new structure for two community-housing units at the property located at **29 Alden Street, Provincetown, MA.**

Polly Burnell stepped down since she is an abutter. Clo Teopper, an alternate, is sitting in on the case. Doug Taylor told the HDC what he intends to do. The old studio shop is at least 60 yrs old. He is staying with the integrity of the form. He's trying to keep this as a utility-style building and construct a two-family affordable housing unit. The form usually follows the function of the building. To achieve this, Doug Taylor is asking to demolish the building. He had many pictures and explanations. After a lengthy introduction by Doug, the public was invited to make comments on the project.

Carol Puglies, an abutter who lives at 29 Alden St., said that her concern is that she is dismayed by the dimensions of this building. It takes up a lot more space than the building it will be replacing. Also, she never received an abutters notice and only found out about today's hearing when she read it in *The Banner*.

Barbara Rushmore, another abutter who lives at 35A Alden, said she objects to knocking down buildings for no other reason than profit. The 35 foot wall that will face us is not desirable. She's objecting to having it knocked down at all. It will not be affordable to anyone. Barbara said that it's one of the few neighborhoods that has mixed use of residential and commercial. The applicant, Doug Taylor, has a lot of power and she strongly objects to this application. It bothers me, Barbara

said, that this is happening with this historic piece of property. It is being sold to the Building Commissioner for less than others are sold. He's also forcing a hook-up to a sewer and that puts a tremendous financial burden on the other people. Barbara Rushmore's concluding question was "If you knock a historic building down, can you put it back up without the legal sidelines?" "Don't the variances need to be different?" She also added that the owner of the property has made an illegal curb-cut and now the property has 3 parking spaces instead of the one he had.

Carol Neal said that our concern is that all abutters should have been notified. Doug Taylor stated that he is here as a citizen and not as a Building Commissioner. Clo said that if notifications have been sent out – then we should move on. Barbara Rushmore asked about demolition criteria. Some of Barbara's questions were answered by saying that these questions are under the jurisdiction of the ZBA or the Planning Board.

Moe Van Derek said that the building in question was his workshop since 1958 and he was under the impression that this building couldn't be altered. He was interested in purchasing the building. He offered \$45,000 and he was told that he couldn't buy it unless it was going to be used for affordable—not community—housing. It was actually a licensed business building that was - in the 1930s a 2 car garage. He was under the impression that you could never go up (height-wise) on that property. Aren't there any questions you are going to ask about its history, he asked? Moe spoke to the this structure as being part of an earlier Portuguese community. These buildings are said, by some, to have no integrity yet it would take him only a few weeks to make it useable. He also addressed the solid ceiling beams of the structure since he had put them in.

Letter in opposition – 29 Alden St - #1 – condo owner – Tracy Price and Denise Chamberlain. They are definitely oppose to the project.

Michele Couture, Provincetown Selectman, arrived to speak in favor of the project as one of the few projects that would be affordable. There have been no new affordable projects in the last few years. Whatever anyone says, Michelle added, that this property can be demolished and will fill a need. We've had momentum going within the last few months. Michelle Couture thinks this is a worthy project and she'd like to see viewed favorably and approved.

Doug Taylor – clarifying the affordable issue and hook up to the sewer - stated that there's no way he can get the condo group to hook up.

Carol Neal asked to return to the demolition issue. As Acting chair, Carol read the historic survey.

Marcene Maracoux said that this structure is part of the original Portuguese community and is significant historically and culturally to Provincetown and its older Azorean community. She also added that this structure was tied to other buildings where immigrants from the Azores lived when first coming to the States. This entire property goes back to the '20s and reflects a strong sense of this town's past. She referenced Guideline 15-8-1 Criteria of Determination and referenced the relation of the building to surrounding buildings in relation to mass, detail and construction. Marcene Maracoux referenced **Guideline 15-11-14 Demolition** and quoted: "Demolition, or partial demolition, of buildings or structures is prohibited except when in the opinion of the Commission warranted for extraordinary circumstances." Marcene judged that this case did not justify extraordinary circumstances. She also explained that use of the building—what happens inside the structure—is not a purview of HDC. How it was used historically is its purview, but how it will be used in the future is not.

Clo Tepper said that the structure is historic and is highly visible from a public way. He completely agreed with Barbara Rushmore's conclusions – and location is important. He's against demolition, given the HDC guidelines.

Nathan Butera has to act according to the HDC guidelines. This is not an extraordinary situation, as stated in **HDC Guideline 15-11-14**.

Carol Neal said that she couldn't vote for demolition of this structure given **Guideline 15-11-14**.

Doug Taylor said he wanted to be upfront and not go with the usual line of bullshit! He wants to be honest and feels the Commissioners should agree because they'd be turning away affordable housing. He needs two units.

Motion: Deny demolition of 29 Alden Street given the historic nature of the structure and Guideline 15-11-14 and Guideline 15-8-1.

Motion: Nathan Butera Seconded: Carol Neal Vote: 4-0-0

Nathan Butera, Marcene Marcoux, Clo Tepper and Carol Neal in favor of denying the demolition.

2007-02

Application by Vicky Keith and Madeliene Abling 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 connect the house and studio over the existing deck area at the property located at **8 Priscilla Alden Road, Provincetown, MA**.

Madeline Abling and Mark Hammer, her architect, presented the plan. She and Vicky Keith have owned the property for a year and a half. She's a painter and paints in that studio but the roof leaks. We care about the property and the neighborhood. The architect has done a good deal of design work and his main intention is to take care of the maintenance issues. We don't want to go up another story just to make it tight. Studio is cedar clapboard and they want to make the entire house cedar clapboard. Wants to do honorable things with the property. Concern today is the north elevation which is viewable from the road.

Letters of support –from neighbors and abutters Ronnie Segal and Liz Angelino Neighbor and fellow artist Connie Black.

Meg Stewart – we're soon to be abutters on Brewster St and in her in their opinion the design is as true as you can get and she and Maureen are in support of the project.

Carol Neal says the plans appear in keeping with the original style of the house.

Motion: Accept the plan as presented given Guideline 15-8-1 Purpose and Guideline 15-11-15 New Construction and Addition.

Motion: Carol Neal Seconded: Nathan Butera Vote: 5-0-0.

Polly Burnell, Clo Tepper, Nathan Butera, Marcene Marcoux and Carol Neal in favor.

2007-03

Application by Neal Kimball on behalf of Sandler Davidson Living Trust, Jennifer Davidson Trustee 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 relocate some existing windows and add new windows on the east, south and west sides and to change a door on the south side to French doors and replace a skylight at the

property located at **153 Commercial Street, Provincetown, MA.**

Carol Neal stepped down due to potential conflict of interest.

Neal Kimball said the property has a new buyer and faces repair issues. He wants to reshell the exterior. The 3rd floor windows are not changing. Envelope stays the same and on north side they are adding a little bump out. Bumping out the floor plan 14 inches to create a new bathroom. Polly Burnell said that the building was built in the '80s and because it's in the Historic District it does come before the commission. Approved the use of Azek which is impervious to weather and – especially on the waterfront – it's maintenance free. Deb Pain added that the old CCS redo is all Azek. As a builder, she feels the quality of any wood trim work – doesn't hold up. All others are rotting away and she feels it doesn't make any sense if you can't tell the difference.

Motion: Accept the plan as presented given Guideline 15-8-1.

Motion: Polly Burnell Seconded: Clo Tepper Vote: 4-0-0.

Polly Burnell, Clo Tepper, Nathan Butera and Marcene Marcoux in favor.

2007-04

Application by Neal Kimball on behalf of Mitchell Hollander 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 add passive solar collectors to new single family home (HDC Case #2006-33) that is currently under construction at the property located at **28 Alden Street, Provincetown, MA.**

Polly Burnell stepped down since she is an abutter.

The proposed solar collectors are about 6 inches and a regular skylight is about 4 ½ inches. Roof will be dark color and essentially will blend in. Neal Kimball added that it's very efficient.

Motion: Accept the plan as presented and as shown on the plan.

Motion: Carol Neal Seconded: Clo Tepper Vote: 4-0-0.

Carol Neal, Clo Tepper, Nathan Butera and Marcene Maroux voted in favor.

2007-05

Application by Neal Kimball on behalf of Cynthia Simmons 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 and replace a roof structure with a ridgeline height increase of 1'-0", add (2) shed dormers along the West side and (2) matching shed dormers along the East side of new roof. Add small bump out on west side within footprint of existing storage shed. Reconstruct existing bump out on west side within same area. Add gable and transom windows on South elevation. Reconfigure / add windows along East elevation at the property located at **481 Commercial Street, Unit #2, Provincetown, MA.**

Neal presented a long discussion about how the roof leaks and other problems.

Bill Cody owns a condo behind unit #2 and objects to raising the roof as it will obliterate the views he has. (the roof will be raised 12").

Motion: Accept as presented with the following stipulations. The southern most dormer be deleted, other dormers on the east and west will necessitate Neal returning for O.K.s and the transom doors must be deleted and two panels will instead be shingled to match the wall covering and the roofline will be elevated to only 8 inches - not the 12 inches requested. The motion had no second and consequently died.

The public portion of the meeting was opened again to allow Bill Cody more input. Afterwards, Clo

Tepper decided to repeat his original motion contained above given **Guideline 15-8-1**.

Motion: Clo Tepper Seconded: Polly Burnell Vote: 5-0-0.

Carol Neal, Polly Burnell, Nathan Butera, Clo Tepper and Marcene Marcoux in favor.

2007-06

Application by Dana Faris 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 add shed dormers to the southeast and garden (west) sides of the “L” addition. Remove the existing chimney from the “L” addition and add a new chimney. Replace rotted casement windows with double-hung windows on the southeast and north sides and remove jalousie door on the north side and replace with a double-hung window at the property located at **6 Central Street, Provincetown, MA.**

Clo Tepper stepped down.

Dana said his house was built 1835 and the ell put on between 1840 and 1860. He’s going to put in a new kitchen and he has lived in the house for the last 16 years. His architect, John Stemple, accompanied him. He wants to remove an existing chimney which used to serve the furnace. He relocated a new furnace to a shed and has many plans for modernizing the house. All of the windows on the front will be 6 over 6.

Carol Neal said that old chimneys should be retained. Dana wants to make kitchen his dream kitchen. In that case, Nathan said that you can keep the façade. Dana doesn’t want the chimney to be in the house.

Marcene Marcoux would feel more comfortable waiting in order to have a site visit. Dana will be gone during most of February. Nathan said that we’re mostly concerned with what’s visible. It’s a very historic house and we want you to keep the chimney on the outside. We need to preserve the door somehow. Dana wants to make it more attractive. 6 over 6 is the right style for this house. Polly Burnell would like the new chimney to match the other one. Three windows that are the same instead of the picture window on the 2nd floor would be more appropriate. Windows on the 2nd floor will be slightly shorter. Keep the door or change it to a window? Fall back position – leave the door as it is.

Motion: Accept the plan as presented with the new chimney on the north elevation to be built in the style that is appropriate. The 2nd window in from the left is to be deleted but with the frame retained and the jalousie door retained. The picture window on the 2nd floor will be removed and replaced by three smaller windows. The original chimney will be retained above the roofline given Guideline 15-8-1.

Motion: Nathan Butera Seconded: Polly Burnell Vote: 4-0-0.

Nathan Butera, Polly Burnell, Clo Tepper and Marcene Marcoux in favor.

2007-07

Application by Robert Valois on behalf of Dr. Don Butterfield 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 raise the roof 6’6” and add dormers and a spiral stair at the property located at **43 Commercial Street, Building “B”, Provincetown, MA.**

Carol Neal and Nathan Butera stepped down.

Application was presented by Robert Valois, the architect. Built in 1935 and it was always a small building only visible from the beach. Neighbors have been given the plans and they’ve had dialogue with most of them.

Two letters from abutters: Jonathan E. Bates strongly objects to the change in size. He asked that the HDC not approve the project.

Stephen Herzbeck is against the project and wants the permit denied. Reasons are similar to other abutters as to density, mass, and inappropriateness.

Polly Burnell feels as if it's too big for that spot. Marcene Marcoux also feels the height is a little too much for that area. Marcene added that you've got a wonderful designer but raising the roof 6'6" is not good. Valois asked if the plan would it be o.k. if the roof is lowered. Clo feels it's too big, too. This would be too great an expansion.

Robert Valois asked: would lowering the ridge another 2 ½ ft mean approval? Members explained that a lowered ridge would be desirable.

Motion: Continue the case until the next meeting on January 17th.

Motion: Polly Burnell Seconded: Marcene Marcoux Vote: 3-0-0.

Clo Tepper, Polly Burnell and Marcene Marcoux voted to continue the case.

2007-08

Application by Deborah Paine Inc. on behalf of Jo Seidler and Bette Skandalis 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 amend a previously approved application by changes in siding and widow configuration at the property located at **627 Commercial Street, Provincetown, MA.**

This application had been previously heard and decided upon.

The meeting adjourned at 7:15:p.m.

Respectfully submitted,

Evelyn Gaudiano

E. Rogers Gaudiano

Approved by Carol Neal, Polly Burnell, and Marcene Marcoux on

January 10, 2007

Carol Neal, Acting Chair