

**The Provincetown Historic District Commission  
Meeting of Wednesday, November 02, 2005  
Town Hall, Provincetown, MA.**

**Meeting Minutes**

**Members Present:** Marcene Marcoux, Carol Neal, Nathan Butera, Polly Burnell, Eric Dray, John Dowd – Chairman.

**Excused Absent:** Clo Tepper

**Town Hall Representatives:** Doug Taylor, Maxine Notaro

**Work Session 3:30 p.m.**

**The work session was called to order by John Dowd at 3:35 pm.**

Eric Dray raised a discussion regarding policies and procedures. He would like the Commission to determine procedures for improved communications with BOS and Town staff. He suggested the board clarify administrative review process. He emphasized that it was time for the Commission to create a policy for windows, and other commonly reviewed items. He distributed a sample review policy for windows, saying, “this offers members a ‘place to start’ and things to consider in setting a policy.” He would like to set time on an agenda, as soon as possible, to review window policy, and developing a list of other policies to be developed.

There was a brief discussion on the need to review and approve minutes in a timely manner. Marcene Marcoux has corrections for minutes from August meetings. Maxine will supply those to Carla (recording secretary) in hard copy who will do clean-up and distribute those past minutes to make the board current.

**Administrative reviews:**

**491 Commercial St.**

Mark Kinnane, Cape Associates - regarding the use of “hardy board” instead of wood clapboard – continued from a 10/19/05 discussion.

Mark supplied a sample of the product in addition to a comparative display and informed the board of other properties in town which have the product installed.

Eric Dray, asked how does the material age? What is it going to look like in 10-20 years? How does it breathe?

**Public Comment:**

John Reiss, Golden Hammer commented that Brass Key has it, 15 years old.

John Dowd asked Reis if he knew of any negatives. Reis replied no and added that the product is now available with color through the entire board. Therefore, no paint peeling issues.

The commission discussed other buildings in town which have the product installed.

Eric Dray had concerns regarding integrity of historic value, replacing original fabrications with new alternates does not maintain the historic integrity.

Carol Neal would like to see the front façade maintain the integrity of original product.

**Motion by: John Dowd            Second: Nathan Butera**

Pursuant to guidelines 8a.ii, 15;

To grant a certificate of compliance for the use of cement clapboard product on three sides of the building. The Commercial St. façade will maintain the original clapboard.

The third story dormer to be white cedar shingles.

**Yea: Nathan Butera, Carol Neal, Marcene Marcoux**  
**Nay: Polly Burnell, Eric Dray**      **Abstain: 0**

***Public Hearing 4:00 p.m.***

**The public hearing was called to order by John Dowd at 4:02 pm**

**2005-76 (Continued from October 19, 2005)**

**Application by Neal Kimball on behalf of Tom Roberts** 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 extend existing shed dormer on the west side; remove two smaller bump-outs on the east side and replace with one larger cross-gable style bump-out; remove large first and second floor decks on south side and replace with smaller deck on the first floor and balcony on the second floor; remove exterior stairway and second floor egress door on the north side; replace all existing windows and exterior doors, revise configurations; re-shingle roof and sidewalls with cedar shakes; elevate cottage on pilings by approximately 18" (or as per flood-plane requirements) at the property located at **59 Commercial Street, Oceanside cottage, Provincetown, MA.**

**Members sitting on the case are: Marcene Marcoux, Nathan Butera, John Dowd, Carol Neal, Polly Burnell**

**Public comment:** None in favor or against.

**Motion by:** John Dowd    **Second by:** Polly Burnell

To grant a certificate of compliance for the plans as presented.

All approved replacement windows must use non-tinted, clear glass and ½ screens, unless otherwise provided in the decision. Full screens or windows with Low-E, or other tinted glass are not permitted.

**Yea: Marcene Marcoux, Nathan Butera, John Dowd, Carol Neal, Polly Burnell**

**Nay: 0**      **Abstain: 0**

**2005-72 (Continued from October 05, and October 19, 2005)**

**Application by Fred Ambrose on behalf of China Trust, T. Gandolfo, 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 demolition Building A & B and reconstruct the basic same massing as the existing structures at the property located at **361 A & B Commercial Street, Provincetown, MA.**

**Members sitting on the case are: Carol Neal, John Dowd, Polly Burnell, Marcene Marcoux**

**Discussion:**

Edward Veara introduced himself as attorney for the project. He brought up that previously, in another meeting, Eric Dray mentioned potential conflict by association with an abutter. Veara does not want to taint the process and suggested Eric Dray recuse himself from the case. Eric Dray excused himself from the meeting.

Barbara Herbert, spoke from the audience raising the issue that the Mews Condo Association is an abutter and has Veara as their attorney, on retainer for approximately 10 years. Marcene Marcoux asked when Veara started representing Mews condos. Veara responded, possibly 7 years ago, regarding and eviction, some lettering writing since then. Barbara explained that the condo association budget has allocations for the attorney in last budget cycle. She just wants to clarify how things would proceed if the condo association had concerns about the project.

Veara explained his firm is not on a permanent retainer and stated they are not "parties" of the application. He did not feel it is a violation of disciplinary rules.

Veara introduced Rene Mugneir, engineer for the project, and presented a packet of information to the board. *Packet is added to the file.*

It included a letter of advice to the property owner, based on engineer findings.

The engineer, Rene Mugnier Associates Inc. has concluded that both of the buildings are in danger of collapse. His recommendation is to demolish the buildings as quickly as possible.

Veara requested that the entire packet of info be included in the minutes and record of the project. He added that he is presently removing tenants due to safety issues.

He strongly stating the project is “under exception” due to the condition of the buildings.

Rene Mugnier Associates Inc, Cambridge, MA., informed the board of his qualification as a structural engineer for nearly 40 years. His specialty is rehabilitation of historically significant properties. He was hired to review the site to determine if the buildings can be rehabilitated.

His report, included in the packet, contains two parts, 1] – a description of the walkthrough and overview of problems, 2] a paragraph written summary and conclusion of walk review. He summarized the condition of each building for the board.

**361A** – The building is sloping north to south due to some settlement and/or rot combination. Rot is somewhat due to sill and siding being installed below the grade of the soil. The length of time the sill and siding has been in contact with the soil has contributed to the severe deterioration. The rot has also affected windows sills and framing. The rot has wicked to other/higher areas within the structure.

West and East elevations are bearing walls and supporting the second floor of the structure. Presently there is excessive weight on poor support, spongy condition.

Wiring and plumbing over the years has cut into the joists. There are broken joists and most joists are undersized and or have excessive spans. The vertical and lateral force on the structure exceeds the current ability of the structure to support it. Wind force is another issue of concern. This building does not have the capacity to withstand a typical wind force.

These factors led to Mugnier’s determination that the buildings cannot be rehabilitated and should be demolished.

**361B** – The building has very advanced rot condition. Walls are rotten to the core. Walls have moved substantially from north to south. Some plywood has been installed over the years to cover rot in specific areas. The crawl space is in violation of codes – no vapor barrier, no ventilation, etc.

Polly Burnell Burnell asked the engineer to explain how the building has remained standing?

Mugnier explained, “The building is very weak. A building can be dangerous and still not collapse. They are very dangerous.”

John Dowd asked if the foundations or joints can be secured/leveled up, noting these problems are typical in town and addressed on other properties all the time.

The engineer explained that, “ you can duplicate a house piece by piece, it can be done with resources and cause”. He reiterated that he is extremely familiar with rehabilitation projects, and has won many awards for historic buildings. Then added, “I don’t know of anyone who would attempt the remodel of these buildings.”

**361A** – The engineer explained that in order to save this building you would have to rebuild the foundation. He added that there is no way to shore and support the building during the process due to the large amount of rot. The moisture level is above 90% which is when it becomes active.

Carol Neal commented that items like the roofs, corner posts, and other areas of concern seem like maintenance issues. The present owner bought it in 1990. There have been 15 years during which maintenance could have been done.

Marcene Marcoux commented that she was glad this report is more thorough than the previous information submitted to the board. She is concerned that the information was presented at the last minute which is problematic. She added that the report concludes “both buildings are termed in danger of “emminent collapse”, yet seems they are each in somewhat different condition. She would have liked a second walk through based on this thorough report.

Fred Ambrose summarized the client's situation by saying, "the project became much more complex than expected". Many of the buildings in this town were built substandard, prior to codes and by unskilled labor. He expressed that the applicant is "here to comply with 40.c – facades from the street". They do not feel that they are capable of saving the buildings. The engineer and attorney are here to help make the point.

**Public Comment:**

Barbara Herbert, 359 Commercial St. #2, Mews Condo abutter had 3 concerns;

1] Foundations – the building (owned by the same person) located at Commercial St. was renovated with a new foundation that actually created an additional floor. The abutters do not wish to be in an urban canyon due to foundation size.

2] The drawings of proposed renovation/rebuild are all from Johnson parking lot. She questioned, "What will it look like from the beach? Will bulkhead be used on beach side? What will the view be walking up the parking lot from the beach?"

3] Regarding 361A, she has been inside the building and said it is apparent there was a water leak from pipes, yet many features in the building might be worth saving, i.e. doors, wainscoting, plaster, etc. Is there some possibility of preserving the interior features/details and keeping the aesthetic in tact?

John Dowd explained that the board cannot address the interior qualities of any buildings.

Austin Knight, previous member of the Historical Commission, spoke from the audience to ask if the building inspector or building commissioner had inspected the buildings.

Doug Taylor responded he had done a preliminary inspection of the site with Fred Ambrose. The property has a great deal of damage. He thinks that cost is the issue of this project. He would have to perform a more extensive inspection to determine whether to demolish it. He doesn't think it is in jeopardy of falling down.

Carol Neal - Does not agree with "eminent collapse" conclusion. She would need further review in order to support that conclusion.

Engineer, Rene Mugnier, replied that he has never remodeled a building this run down because it is not economically feasible, explaining that it would be more expensive than building new and that there would probably be nothing historical left. "Duplication yes, actual – no."

Austin Knight commented that it seems a matter of economics. He asked, "Is it possible to have an independent engineer assess these properties and /or mutual review?" He added that maintenance should have been performed. Deterioration through neglect is part of the problem. What is the historic significance of the property? Many stories in town about the personalities related to the building are not being discussed here. He suggested a group review of the property so everyone can come to a mutual conclusion about whether this property must be torn down.

John Dowd encouraged the board to all meet together at the building. Everyone agreed this would be the best "next step". The applicant will arrange with Maxine for a time for all parties to do a thorough site visit.

Veara added, "We want to show you that there is no viable alternative here."

**Motion by: John Dowd Second by: Carol Neal**

To continue the hearing on 11/16/05, to allow the board and inspector an additional site visit.

**Yea: Carol Neal, John Dowd, Polly Burnell, Marcene Marcoux**

**Nay: 0 Abstain: 0**

*Maxine will have to post a public meeting notice for all members to attend the site visit.*

**2005-79**

**Application by Residential Development, Inc. on behalf of Nicholas Klesaris** 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 replace 2 sashes for kitchen casement type with exact sash facing south, replace one fixed non-opening window facing west and 7 windows facing south with double-hung

windows to match existing, replace 2 sets of awning windows facing north with double-hung windows, replace 4 skylights, 3 facing north and 1 facing south at the property located at **577 Commercial Street, Provincetown, MA.**

**Members sitting on the case are: Carol Neal, Nathan Butera, Polly Burnell, Eric Dray, John Dowd**

**Discussion:**

Tom Edwards, Residential Development and James Tasha, presented the plans.

**Public Comment:** None in favor or against.

**Motion by: Eric Dray Second by: Polly Burnell**

Pursuant to guidelines 5.c, 8.c;

To grant a certificate of compliance for the plans as presented.

All approved replacement windows must use non-tinted, clear glass and ½ screens, unless otherwise provided in the decision. Full screens or windows with Low-E, or other tinted glass are not permitted.

**Yea: Carol Neal, Nathan Butera, Polly Burnell, Eric Dray, John Dowd**

**Nay: 0 Abstain: 0**

**2005-80**

**Application by Residential Development, Inc. on behalf of Catherine Brown** 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 on the south side of the building open up to expose an existing door for a second means of egress with trim to match the existing door on the east side at the property located at **12 Alden Street, Provincetown, MA.**

**Members sitting on the case are: Carol Neal, Nathan Butera, Polly Burnell, Eric Dray, John Dowd**

**Discussion:**

Owners found an old egress door, within the wall, on the south side (Bradford St.) and wish to reuse the door and entrance.

**Public comment:** None in favor or against.

**Motion by: Eric Dray Second by: Nathan Butera**

Pursuant to guidelines 1.a, 6.a;

To grant a certificate of compliance for the application as presented.

**Yea: Carol Neal, Nathan Butera, Polly Burnell, Eric Dray, John Dowd**

**Nay: 0 Abstain: 0**

**2005-81**

**Application by Andrew Simon of Provincetown Woodworks on behalf of Barry Barnes** 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 shed dormer to alleviate restricted headroom at the property located at **75 Commercial Street, Oceanside cottage, Provincetown, MA.**

**Members sitting on the case are: Carol Neal, Nathan Butera, Polly Burnell, Eric Dray, John Dowd**

**Discussion:**

This is a continuation of existing dormer of similar design and is minimally visible.

**Public Comment:** None in favor or against.

**Motion by: Eric Dray Second by: Polly Burnell**

Pursuant to guidelines 8.a.i, 8.a.ii;  
To grant a certificate of compliance for the plans as presented.

**Yea: Carol Neal, Nathan Butera, Polly Burnell, Eric Dray, John Dowd**  
**Nay: 0 Abstain: 0**

**2005-82**

**Application by Paul DeRuyter** 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 reconfigure the existing Café, lobby and 2 existing gift shops at the property located at **214 Commercial Street, Provincetown, MA.**

**Members sitting on the case are: Carol Neal, Nathan Butera, Polly Burnell, Eric Dray, John Dowd**

**Discussion:**

Ben DeRuyter presented the plans.

The main (theatre doors) doors will be relocated to front of the building.

Door on left will be new aluminum and glass to match theatre doors.

Windows (b) 4 large windows – D. Flax and Pearson – applicant wants to retain the original windows or possibly use divided light windows as shown on plan. Applicant plans to reuse of the doors.

There was discussion about the applicability of the existing arch windows and/or the proposed square, divided light windows, the shingles revealed around the windows and/or the proposed panel look below the windows.

Eric Dray and John Dowd think the multi pane windows with no arch are more in keeping with the age and design of the structure.

There was discussion about the existing theatre doors not being appropriate to the district, yet capturing the historic use and feel of the building. Also relocating them to the roofline or leaving them slightly recessed to maintain the look of the building.

Regarding the replacement of existing windows, Ben asked for clarification on the regulations. The board cannot force the applicant to change something that is in use and in place.

Polly Burnell wanted to know how old the building is. She would prefer to do some research on this building before making a decision. Carol Neal would like more information also.

Eric Dray has concerns that bringing the front wall out to the roofline would change the streetscape of the structure. Carol Neal agreed. Eric Dray would prefer to see the doors moved forward but not to square off the front of the building.

**Public comment:** None in favor or against.

**Motion by: John Dowd Second by: Nathan Butera**

To continue the hearing on 11/16/05 for revised plans.

**Yea: Carol Neal, Nathan Butera, Polly Burnell, Eric Dray, John Dowd**  
**Nay: 0 Abstain: 0**

**2005-83**

**Application by Hake Nominee Trust, Steve Boggess, 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 construct new front facade entrance between INDO Store and the Arcade and install glass doors with a glass window on either side of double doors at the property located at **291 Commercial Street, Provincetown, MA.**

**Motion by: Carol Neal Second by: John Dowd**

To accept the applicant's request for continuance and hear the case on 11/16/05.

**Yea: Carol Neal, Nathan Butera, Polly Burnell, Eric Dray, John Dowd**  
**Nay: 0 Abstain: 0**

**2005-84**

**Application by Thadd and Julie Papetsas** 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 a second story knee wall 27” and add a shed dormer with decks to the southeast elevation, new fenestration on the southeast and northwest elevations at the property located at **7 West Vine Street, Provincetown, MA.**

Eric Dray recused himself from the case as his financial advisor is an immediate abutter.

**Members sitting on the case are: Marcene Marcoux, Nathan Butera, John Dowd, Carol Neal, Polly Burnell**

**Discussion:**

John DeSouza presented the plans. The property has numerous repairs which need to be made. The roof deck is recessed into the roofline. Building is 1890. Built as a studio, 2 story.

The change of roofline, slope and height was discussed. The applicant is reducing the occupancy space within the building and trying to create inspirational view and nice light.

Nathan Butera did an on-site visit and concluded that the proposed renovations have a very low visual impact, adding that a window on the street façade may be needed.

**Public comment:** None is favor or against.

**Motion by: Polly Burnell Second by: Marcene Marcoux**

Pursuant to guidelines 5c, 8ai, and that the height increase has a low impact to the neighborhood;  
To grant a certificate of compliance for the plans as presented with the following conditions;

1] To add one window in the area on the west elevation.

2] All approved replacement windows must use non-tinted, clear glass and ½ screens, unless otherwise provide in the decision. Full screens or windows with Low-E or other tinted glass are not permitted.

**Yea: Marcene Marcoux, Nathan Butera, John Dowd, Carol Neal, Polly Burnell**  
**Nay: 0 Abstain: Eric Dray, by recusal**

**2005-85**

**Application by Neal Kimball on behalf of Eileen Roland** 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 a second floor egress door and walkway along the east side of the second floor, reconstruct and existing deck on the north side, add a small balcony on the south-west corner of the second floor and replace a window with French doors, add a widows walk at the rear section of the roof and cut out a section of the roof for a small deck area, add shed dormers at the mid section of the building on the east and west sides at the property located at **184 Commercial Street, Provincetown, MA.**

**Members sitting on the case are: Eric Dray, Nathan Butera, John Dowd, Polly Burnell, Marcene Marcoux**

**Discussion:**

Neal Kimball and Ron Cram, Property Manager presented the plans.

The applicant is creating additional roof-top deck area, adding doors and relocating windows to create additional egress to the upper and rear portions of the building. There was a full discussion of window and door locations, window designs, stair locations and the visibility of the building from various angles / locations.

**Public comment:** None in favor or against.

**Motion by: Carol Neal                      Second by: Nathan Butera**  
To continue to 11/15 for revised plans.

**Yea: Eric Dray, Nathan Butera, John Dowd, Polly Burnell, Marcene Marcoux**  
**Nay: 0                      Abstain: 0**

**2005-86**  
**Application by Peters Property Management and/or Mark Schaefer on behalf of Kensington Gardens** 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 existing wood hand railings and replace with an all-new weather best crystal white composite railing system and at the property located at **15 Cottage Street, Provincetown, MA.**

**Members sitting on the case are: Eric Dray, Nathan Butera, John Dowd, Carol Neal, Polly Burnell**

**Discussion:**  
The project has minimal visibility.

**Public comment:** None in favor or against.

**Motion by:                      Eric Dray    Second by:                      Carol Neal**  
Pursuant to guideline 9.c  
To grant a certificate of compliance for the plans as submitted and to allow synthetic materials based on the minimal visibility.

**Yea: Eric Dray, Nathan Butera, John Dowd, Carol Neal, Polly Burnell**  
**Nay: 0                      Abstain: 0**

**Motion to adjourn:                      Eric Dray                      Second: Polly Burnell**  
**Yea: All                      Nay: 0**  
Meeting adjourned at 8:20 pm.

Respectfully submitted by  
Carla Anderson  
Recording Secretary

Approved by: \_\_\_\_\_ at the 12/21/05 meeting.  
John Dowd, Chairman