

HISTORIC DISTRICT COMMISSION

Public Meeting

September 27, 2006

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: Doug Taylor and Maxine Notaro.

Work Session - 3:30 p.m.

Neil Kimball 135 Bradford St (Different Ducks Restaurant Building)

Neil Kimball presented a small change in window selection from Anderson to Windsor windows. Two representatives from the Windsor Company, Messieurs Russell and Burke presented mock-ups of their windows. They showed a hybrid of a window with an aluminum-clad sash. It's shipped white and the sashes and frames are made of cellular PVC. (Cellular PVC is a solid core material unlike the PVC piping we normally see. Anderson windows were approved before and they were wooden windows. Neil is switching over mainly because Mid Cape Home Centers is dropping the Norco line.

The Windsor Company has been in existence for 55 years. They are manufactured outside of Charlotte, North Carolina. Neil assured the Commissioners that he is comfortable in recommending them.

Nathan has no problem approving it. The profile is very historic. He has no problem but if others want to research it more, it's O.K. with him. Carol would like to research it on line. Cellular PVC is solid all the way through. The white finish is guaranteed for 7 years but it can be painted any color. They have two series of windows.

Doug Taylor said that the spacer between the windows is manufactured by Cardinal glass.

The three current awning windows would become store windows. It will house two businesses; one will face 135 Bradford and the other will face Standish.

Neil was sent off to explore other options to the design. Maybe another design? Neil says it would be helpful to have some members of the group look over any changes he makes prior to the next meeting.

Public Hearing 4:00 p.m.

2006-62

Application by Timothy Harrington 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 the former deck on the front elevation with a smaller full height porch detailed to match the building at the property located at **96 Commercial Street, Provincetown, MA.**

There were a few abutters in the audience ready to hear the case when Maxine came in and announced that the owners had requested to withdraw their application. Jill Peres of 100 Commercial Street seemed to be the abutter most concerned. She asked if the applicants should reapply and would the abutters be re-notified? She was assured that this would indeed happen. Then she wondered what constituted an abutter. She was told any property within 75 feet. Being satisfied with the answer, she and the group left.

2006-73

Application by Jay Anderson 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 fence 7 feet at the highest point at the property located at **139 Commercial Street, Provincetown, MA.**

Carol Neal said that the fence the applicant seeks approval of is a *fait accompli*.

It has been constructed – they had asked to withdraw their application but the fence company has been asked to take it back down to 6 feet. The fence was constructed without a permit. Polly felt they should be fined. Maxine Notaro said that supposedly the fence was part of the original proposal but it has been up since April. Meg Stewart, an abutter, said their permit was closed in January.

Meg Stewart said that - officially – they had approval from the DPW but the plans never showed specific specifications on the fence. The permitting office has no record. The permit was closed in January 2006 and the fence went up in April 2006. Meg is concerned with someone putting something up without approval.

Motion: Approve the fence in the current form with the following conditions:

- 1. No portion of the fence is to exceed 6 feet from grade.**
- 2. The gate will not exceed 48 inches including the posts.**
- 3. The gate will be an open picket design and not exceed 48 inches.**

Motion: Clo Tepper Seconded: Carol Neal Vote: 5-0-0.

Motion: If there is no correction by October 15, 2006, then the Building Commissioner has the discretion to impose a fine not to exceed \$300/day until the correction is made.

Motion: Clo Tepper Seconded: Carol Neal Vote: 5-0-0.

2006-74

Application by Dan Mullin 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 gazebo at the property located at **11 Commercial Street, Provincetown, MA.**

John Reis, Golden Hammer, presented the case to the Commissioners. He explained the plan by saying that there is nothing but a brick wall that is 36” high. The gazebo will be going in front of that. Carol thinks that the design would be looked at “more like a porch” and that the new construction will fit the property. John Reis said John Dowd was brought to the house and he wanted the design to match the house as it does. Clo would personally like to see it located somewhere else on the property. Carol thinks the plan fits the character of the house. Nathan and Polly agree.

Motion: Accept the plan as submitted.

Motion: Carol Neal Seconded: Nathan Butera Vote: 4-0-1 ab (CT)

2006-75

Application by Louise Venden 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 lift and shift location of the existing structure towards the rear lot by 6 feet +/- and place on a new concrete foundation with red brick facing; remove covered front porch and add a small landing; reconfigure window and door layouts replacing all with new 2 over 2 sash; extend rear of structure with cross gable; add covered porch on west side of new addition, add (2) eyebrow dormers on the front roof and (1) on the rear recondition/replace all trim in kind at the property located at **231 Bradford Street, Provincetown, MA.**

Neil Kimball presented the plan to the HDC. It has a concrete foundation wall. The house is really on the street and encroaches on the town way. It's a hazardous situation. Porch is falling down and the idea is to take off the porch and move the house back. Only determining factor would be in putting in a septic system. The foundation is crumbling. Vertical beams are rotted out. The house has to be lifted and a new foundation has to be done. They are also thinking about parking in the plan. The plan calls for adding a couple of eyebrow dormers on front. Knee-wall is high and that's the reason for the placement of the dormers.

Len Bowen – a neighbor – said that his agency was involved in the sale of this house and he attests that it's in really tough shape. His own house is even closer to the street.

Letter from 3 Atkins Lane was in support. They have seen the plans and feel they are very attractive.

Louise Venden renovated 557 and 559 Commercial and she also did renovation on Charles Street, next to Boston Common, and won a prize for the renovation.

Nathan is concerned about the south elevation and its visibility from Atkins Lane. The eyebrow dormers are unusual but he overall likes them. Polly doesn't like the move on the lot since it is not the way the Portuguese fisher folk had their houses. It's a classic Provincetown fisherman's house and she doesn't think the dormers have anything to do with Provincetown architecture. Polly feels it's a very significant local style.

MaryJo Avellar said she grew up in this area – and wants clarification. If someone's property is on a public way will just moving it back will solve that problem?

Carol has no problem with moving it back. Neil said that the eyebrow dormer is not as common as the doghouse dormer.

After a bit more discussion, it was decided to continue the case to the October 11th meeting while Neal sees what else is out there. Neal asked if the Commission wants him to preserve the original placement of doors and windows? Polly said yes, that the guidelines ask for the historic windows and doors to remain.

2006-77

Application by Rhoda Rossmore and Amy Germain 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 applicants seek a certificate of non-applicability for the property located at **150 Commercial Street, Provincetown, MA.**

Rhoda feels the front door on the house is inappropriate although she admitted this wasn't the main

issue they were here. After the first meeting with the HDC, they were told that there was no interest in the back of the building. John Rice, the contractor, thought he could get a foundation underneath it but there was insulation of mattresses, pillows, etc. The building in the back will be exactly the same footprint, the same height, etc.

Len Bowen, a broker with a formerly interested client, said that a home inspection found all the sills were rotted. Mary Jo Avellar was the listing agent on the property and her client walked away since the home inspection was equally damning. They said all they wanted was to restore it. The underpinnings were totally rotten. Pest inspection by Terminix was equally damning. They are just asking to conform to code. Jackson Lambert, the former owner, was great but it was not kept up over the years. Two major testings on the property said there was no oil on the property. (There had been an oil spill years ago and it was thought that there would be residual oil on the property.) They are only going by the local code to make the repairs on this renovation.

Carol Neal explained to Rhoda Rossmore and Amy Germain that the HDC just has to be part of the process before demolition.

John Yandrisovitz, an abutter, said his problem is that the applicants have not followed the process. They're asking permission to demolish a building that they've already taken apart. He also mentioned the encroachment of the property on Marlene Sawyer's land. Clo said, "The Sawyer issue is solved." Rhoda had informed the Commission that their house sits 18" on Marlene's property and they've agreed to a land swap.

Doug Taylor told the Commission that if you see the changes to be a total tear down then that is one issue but if you see it as a partial tear down then it's your decision.

Amy Germain said that as she went through the process of renovating, she called the Building Inspector, Dick Anderson, and he agreed that it was rotten and gave permission to tear it down at every inspection he made. He further said that it's unsafe and you can't fit a roof on this. Dick A. was able to make the determination that it needed to come down as a safety issue. They were authorized to go ahead with the removal of the rot. That's what we're trying to do. Carol Neal's personal opinion is that it can be viewed by a public streetscape, Atlantic Avenue.

Marcene asked for a clarification of what exactly had been noticed out for this meeting on this property. Amy stated that it was a request for a certificate of non-applicability. The Commissioners explained that the back of 150 Commercial Street is visible from Atlantic Avenue, Conant Street and even Commercial Street.

After quite a bit more discussion, Clo made a motion.

Motion: The Commission finds that a certificate of non-applicability cannot be given because it's visible from a public way.

Motion: Clo Tepper Seconded: Carol Neal Vote: 5-0-0.

Clo asked Doug to check with Dick A. to see if he made a determination that the building was rotted and needed to be torn down. Because that's not the application before us, Clo also said that we may need more information than has been presented. Carol said this project has to be noticed out again.

Rhoda asked, "What other information would you like?" The Commissioners provided a list of

required documentation to Rhoda and Amy.

Doug said that the Building Inspector has been on this job many times. I don't think he thought it was anything but they did have a building inspector come out and look at it. There used to be a history that if you left a corner of a building then it was not a complete tear down. Doug Taylor feels that there was enough left and it gives us the volume. Doug feels there is enough building there that there is not a complete tear –down. If Doug had been the building inspector he would have advised them to go to Historic.

Nathan Butera said that the problem started when construction began. We know John Rice is a great builder but procedures were not followed.

Rhoda Rossmore said we hired a reputable builder and he didn't do a good job for us. Amy is begging for the Commissioners to use a common sense perspective. Carol said that there are procedures that you have to go through. Amy replied that it's the restoration of rot!

Marcene said adding to the complexity is the way the project was noticed out to the public.

At this point Carol said that there were many letters of support but it would be too time consuming to read them all. Thus she just mentioned the names of the people who wrote in support. (There were no negatives, just John Yandrisovitz, in person) The support letters were from: Phil & Evelyn Gaudiano, Wendy Everett, Mary Jo Avellar, John Thomas, Duane Gregory, Greg Rousseau, Scott Latime, Jan Kelley, Mick Rudd, Marlene Sawyer, William James Hall, Ellen Lang, and Dr. Carol Carlson.

Clo asked, "Do we feel we have all we need?" The drawings - we don't have the drawings we need. – We need to have the elevation delineated, the actual design of the buildings, the proposed designs, material, etc.

Carol Neal was apologetic about asking for the plans but the Commissioners do need them. The plans have to be resubmitted with dimensions, elevations, etc.

Rhoda – why don't you return the plans that we gave you and we will resubmit them? This was done and Rhoda was informed that she must add height and dimensions to these plans.

Clo suggested – before the next meeting – to have Doug Taylor look over the package and see if anything else is needed. The west-end side, for example, is missing. That also needs dimensions.

Rhoda said that we looked to represent ourselves for the benefit of all.

Rhoda said that she's going to get new plans for the meeting on Oct 25th. Question: "Before that meeting – can the main house be completed?" Doug Taylor said he has no problem with having them work on closing in the front half of the house since it had all been previously approved.

Motion: Have a business meeting on October 11th at 2:30 p.m.

Motion: Nathan Butera Seconded: Polly Burnell Vote: 4-0-1 ab (CT)

There was a bit more discussion on the meeting - in general - and the meeting was concluded.

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Evelyn Gaudiano

E. Rogers Gaudiano

Approved by _____ on _____, 2006.
Carol Neal, Acting Chair