



## **HISTORIC DISTRICT COMMISSION**

**April 21, 2010**

**Grace Gouveia Building- Room 10**

**3:30 p.m.**

**Members Present:** Polly Burnell, John Dowd, Carol Neal,  
and David McGlothlin.

**Members Absent:** Nathan Butera and Marcene Marcoux (excused)

**Staff:** Russell Braun  
Maxine Notaro

**Work Session 3:36 p.m.**

### **Administrative Reviews**

#### **165 Commercial St – Sandpiper Condo**

The proposal for a new entry door was presented and John Dowd said that stylistically it doesn't fit. That style door isn't appropriate but you could replace in kind but not with the one proposed.

**Motion: Move to accept a "like for like" proposal – as in replacing it in kind.**

**Motion: John Dowd                      Seconded: Polly Burnell                      Vote: 4-0-0.**

(The owner's representative wanted to know – if the owner didn't agree with the finding – what would be the earliest date that a full review could be heard?) It was determined by Maxine to be at the May 19<sup>th</sup> meeting providing the application is received by next week.

### **Wind Turbine discussion**

#### **5 Pleasant Street -**

After the last meeting which voted 2-in favor 1-opposed and 2 abstentions – the Town Clerk informed the Commission that the abstentions did not count; therefore the vote was in the affirmative (2 in favor and 1 opposed). The vote also said that the approval was to be conditioned for one year. The sound measurements will be taken at one month intervals. The owner of 5 Pleasant Street was in the audience and he said he would prefer an impartial person to monitor the noise measurements. Russell Braun will check with the police to see if they have a monitor and if they don't the HDC would anticipate buying one.

**Review and approve previous minutes**

**Election of Officers**

**Discussion on Policy and Procedures**

**Any other business that shall properly come before the board**

(None of the above four agenda items were touched upon.)

*Public Hearing 4:00 p.m.*

*Pending Case*

*FY10-20*

**Application by Robert Valois on behalf of Fine Arts Realty Trust, Warren Cresswell** 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 for the following renovations: West Elevation: construct dormer, add new egress decks and stairs; South Elevation: Reconstruct decks and add an egress spiral stairway, construct third floor balcony and replace window with a door and to reconfigure/replace doors and windows and add new doors and windows on West, South and East Elevations at the property located at **417 Commercial Street, Provincetown, MA.**

A letter was received from Robert Valois stating that he couldn't attend.

**Motion: Move to approve Robert Valois' plan as presented.**

**Motion: John Dowd      Seconded: Carol Neal      Vote: 4-0-0.**

*FY10-29 (Request to withdraw without prejudice) To be heard under case FY10-30 as below*

**Application by Deborah Paine Inc. on behalf of Russell Friedman and Wayne Briggs** 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 rebuild the house utilizing the existing first floor and west gable end to a new design by DPI to be placed over the existing location and; to relocate the cottage 5' north just inside the setbacks and to expand the cottage by going up a story at the property located at **8 Fishburn Court, Provincetown, MA.**

**Motion: Move to approve the withdrawal of the first submitted plan.**

**Motion: Polly Burnell      Seconded: Carol Neal      Vote: 4-0-0.**

Catherine Russo showed up with a TV camera and a microphone to film the meeting. Carol asked her the purpose of all this and Sharon Lynn, Town Manager,

said that it was perfectly legal for Catherine to do this since it was a public meeting and she had been granted permission to film. Ms. Russo also said that it would appear on Channel 17 in the future. She also said near the close of the meeting that she would be filming all the debate and plans relating to 8 Fishburn Court.

***FY10-30***

**Application by Deborah Paine Inc. on behalf of Russell Friedman and Wayne Briggs** 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 and rebuild the main house utilizing the existing footprint with small conforming expansions with a screen porch and; to relocate the existing studio with new concrete footings at the property located at **8 Fishburn Court, Provincetown, MA.**

Deborah presented a letter of support and also a packet of photographs – she can walk through this later on but she feels that there are more important things to think about. Deb gave an historic talk on 8 Fishburn Court; the house had been home to a family of 13 people (as small as it was). There were 10 children of the Menangas family raised there as well as an aunt and the parents of the children.

Deb continued saying that after the 50s there was no maintenance done on the house. She had a series of pictures detailing the decay; a foundation was clearly visible in the 50s and in the 70s, the house had settled and the foundation had dropped about a foot or more.

There were many stories from the neighborhood regarding the proud family who lived there but also in favor of having it demolished and rebuilt. The structural engineer's report was also presented. The new owners said "They wanted to rescue the house and expand it a bit." (This quote has been used a good deal in prior cases.)

Deborah suggested that the HDC accompany her on a site visit so that they could fully appreciate the condition of the property. Thus the following motion was made:

**Motion: Move to make a site visit immediately (4:20 p.m.).**

**Motion: John Dowd    Seconded: Polly Burnell    Vote: 4-0-0.**

The group returned to the regularly scheduled meeting at 4:34 p.m. They found that the deterioration was wide spread. David McGlothlin, while on the site visit, decided to inspect the basement and the stairway gave way beneath him. Deb said

that originally she wanted to lift the house and move it back and then expand it. But she found that the majority of the wood has been impregnated with bugs, mold, etc. Deb also said that she was concerned for the safety of her workforce. The house hasn't been occupied for at least 3 years.

The meeting was then opened up to the public.

**Ramao Duarte** who lives at 5 Harry Kemp Way and is an abutter stated that he was very much in favor of having the Fishburn Court house rebuilt. He said that after every storm he expects it to fall onto his property.

**Faith Henrique** was also in favor of the demolition. The property has really gone down hill.

**Tom Czyoski**, a local contractor, spoke in favor of the razing of the house.

A **granddaughter of the original owners** explained that her grandparents didn't have the means to keep up the house and there has been no one living in the house for the last 3 years and nothing was ever done for the home.

**Donna Flax** who lives at 5 Fishburn Court said that the owner wanted to sell and was told that the HDC would never allow its demolition and now she finds them considering it!

**Catherine Russo**, who also lives at 5 Fishburn Court is in agreement with Donna, the previous speaker. As an example she said that 44 Pearl Street was denied permission to demolish.

**Tom Thompson**, a local designer, talked about massive renovations he was aware of and putting the building back together is certainly a possibility.

**Faith Henrique**, who grew up in the area talked about the Fine Arts Work Center (FAWC) which applied to be "restored" but has now become the FAWC Condos and there's nothing historic about it!

**Ramao Duarte** said that the FAWC bought the property from him.

**Gerard Menangas**, one of the descendants of the original owners, said that he's on the Fire Department and the house is in such terrible shape that it's a safety issue. He also said that the FAWC had increased their footprint.

**Tom Thompson** wanted a letter from John Hopkins of Augusta Construction read into the minutes which stated how reconstruction could be done to save the building.

A lengthy discussion with various opinions continued; everyone who wanted to speak was allowed to speak.

Russel Braun, the Building Commissioner, then weighed in with his opinion. He visited the building last week and he went through the house and there is no question that this is a very fragile structure – sort of like a summer camp and you could never build one like that today and there it is; it's still standing so you don't look at it by current codes. There's a lot of construction that would need to be done and he would say that this building is dangerous but it's difficult to make a judgment on whether this building could be lifted and may have to be braced. There are things that could be done and the structural engineer recognizes that there are things that could be done. "Is the problem unusual? Have I seen houses in town that are in worse condition? Yes. This building is not able to be occupied and it's been neglected for a long period of time. I think you could probably save this building with some work." End of Commissioner's comments.

Deborah – needs to set the record straight. She's has been doing this for 25 years and she has taken apart buildings and put them back together. She didn't call in engineers just to have it demolished and she called in Mike Winkler. Mike looked at her and said, "I don't think we can lift this building without having it fall apart." As much as she can save she will reuse but in her opinion it's beyond salvaging and its gone beyond its life expectancy. This building makes her nervous for a very lot of reasons. EVERYTHING is so substandard.

The public portion of the meeting closed at 4:56 p.m..

**Carol Neal** is always the last to want to tear a building down but - bearing in mind the safety issues – she is concerned.

**Polly Burnell** said that her concern is - if it's demolished, something a lot bigger could replace it. She concluded by saying that if it's possible to avoid tearing it down, she'd opt for that.

**David McGlothlin** said that he has never been in a house that is in that bad a shape. He felt that the linoleum is glued to the floor and keeping it from collapsing. He did try to go down into the basement and the stairs collapsed; in the back part of the house the roof is swayed. He feels it's in real bad shape but he agrees that the structure is historically significant. He wondered if anybody knows if that structure was used to put together the properties in the Historical Register.

David had the original nomination packet for the register and he just wants to know if this should be looked at and he wants to make sure that we're not tearing something down that is connected to that piece.

**John Dowd** said he'll agree that it's probably in the worst shape and he would agree to a demolition of the rear part of the house. There are things that can be resolved and it's more feasible in terms of cost but – we as a board are here to preserve what was and once this is down – it will represent affluence in Provincetown and it will not be town history. We are here to preserve as much as we can. What we do is to try to deal with in preserving as much of the history of the town. The main core of the house with its 6 ft ceilings are not allowed to be built any more so he would approve a partial demolition and see if that can be sistered and repaired as much as possible.

Polly agreed that the back part of the building is definitely in need of demolition. John said the demolition is apparently driving an entirely new building. John said it would not be “what was.”

David said that – in the past – he wanted to save the original structure and what has driven his decision is that he's always tried to maintain the original portion and the original look of the house and this particular structure does represent Provincetown and he thinks that losing it would be a shame. He would agree to a partial demolition of that rear portion.

**Motion: Move to allow the demolition of the rear ells of the building that are no longer feasible but the front section should be retained in the current style and to retain as much of the fabric of the original building as possible.**

**Motion: John Dowd**

At this point, Maxine suggested continuing the case.

**Motion: Move to deny the complete demolition and continue the case until the next meeting and allow the demolition of the rear of the building and retain as much of the original trim and exterior fabric as possible and that the design of the building come back at the next meeting at the designer's discretion.**

**Motion: John Dowd    Seconded: Polly Burnell    Vote: 4-0-0.**

Deborah said that in the past she's been able to reproduce many of the buildings in the historical district. David said that he'd hope you'd keep us informed. Deb said that of course she will.

Deb will withdraw the design and she will go forward in expanding the design. Deb said that she'd like to keep this building small and it'll be about 20 ft. and she plans on putting in a full basement. Deb would prefer to come back to the HDC with some samples and bring back ideas.

**Motion: Move to waive the time constraints of the original application.**

**Motion: John Dowd    Seconded: Polly Burnell    Vote: 4-0-0.**

This case ended at 5:35 p.m.

### **BOATWORKS BUILDING, INC.**

A letter from Karen DePalma, attorney, was received which documented the confirmation of the approval from Ben Lynch, Program Chief of the Waterways Regulation Program, confirming the approval of the Department of Environmental Protection (DEP) regarding the demolition of the structure of the Boatworks Building, LLC.

### ***FY10-31***

**Application by Paul McAdam of McMahon Architects, Inc. on behalf of Mike Cerruti** 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 for the restoration and renovation of an existing Greek revival house and existing additions in the Traditional style. Construct two peak dormers and two shed dormers and root top decks; install new windows and doors and replace windows and doors. Construct a small one-story addition of mostly glass with a roof-top deck on the North West side. Create a full basement under the entire structure with a walk out access to Briggs Lane and; for the extension of an existing garden shed on the rear property at the property located at **10 Pleasant Street, Provincetown, MA.**

This case was opened at 5:45 p.m.

Paul McAdam presented the plan to the HDC. He said that his overriding goal was to make very little change. BUT some of the corner columns had some areas of rot and the intent of the footprint was to just fill in the rear of the property. The plan was very involved with pictures and plans to document it. He's also proposing to put a full basement under the house.

**Fred Long**, an attorney, objected to the plan on behalf of a client who has an abutting property. This is a Greek revival and the construction as Fred reads it is certainly at variance with Chapter 15 guidelines. He would also submit that this

construction would result with 10 Pleasant not being compatible with other houses in that area. He further felt that all additions should be appropriate.

The architect wanted to know from Fred, “Which part do you object to?” Then the architect wanted to enter into a discussion about dormers, roof decks, etc. Fred said that the primary concern is that if the construction is carried out as submitted there is a significant danger of that whole hill coming down; he would like the HDC to deny the application.

**Tom Czyoski** opined that putting something up there will mandate putting in steel beams, etc.

A woman who lives on the down side of Briggs Lane (directly behind 10 Pleasant Street) said that her son feels that the whole wall going down by our alleyway and is going to collapse if this plan is allowed.

**Stephen Syta** who lives at 5 Pleasant Street said that he feels the decking is a bit much. He lives here and goes to bed at 10 p.m. and he feels it’s architecturally inappropriate and its a little bit of a stretch to call the oil pad an existing structure.

**10 Pleasant Street** sent in a letter in opposition – especially regarding another opening to the property which he felt should be off Pleasant Street and not off Briggs Lane.

**Russell Braun** said that they would have to go to the Zoning Board of Appeals (ZBA) anyway and wondered whether the architect did the scale calculations on that.

**John Dowd** in an effort to cut to the chase said that there are characteristics of the Greek Revival and it hasn’t changed from 1860. It is pristine and there are few buildings in this town that are at that intact nature. He doesn’t find anything allowable in the plan.

**Polly Burnell** commented that you’re taking down chimneys and this building is so in tact and it is exact. We’re here to preserve and there are just so many things in this design that we could never approve.

The architect wanted to know what part of the design he could retain and did the decks throw the design out?

**Motion: Move to deny the plan as presented and continue the public hearing until the June 2<sup>nd</sup> meeting with a waiver of the time constraints.**

**Motion: John Dowd    Seconded: Carol Neal    Vote: 4-0-0.**

**Minutes of the April 7, 2010 meeting.**

**Motion: Move to approve the minutes of the April 7<sup>th</sup> meeting of the HDC.**

**Motion: John Dowd    Seconded: Carol Neal    Vote: 4-0-0.**

**REMINDER  
FINE ARTS WORK CENTER  
RIBBON CUTTING  
THURSDAY – MAY 6<sup>TH</sup>  
11:00 A.M.**

Catherine Russo will be taping all the meetings that deal with Fishburn Court and commended the HDC for their fine work.

**Adjournment happened at 6:23 p.m.**

Respectfully submitted,

*Evelyn Gaudiano*

E. Rogers Gaudiano

**Approved by** \_\_\_\_\_ **on** \_\_\_\_\_, 2010.  
John Dowd, Chairman