

Cottage City Historic District Commission Meeting

March 30, 2016

4:45 pm

Town Hall Meeting Room
Oak Bluffs, MA.

Commission Members Present:

Co-Chair Phil Regan, Co-Chair Matt Cramer, David Wilson, Barbara Baskin, Shelley Christiansen, James Westervelt (recorder)
Also attending: OB Building Official Mark Barbadoro,
OB Building Administrator Colleen Morris

Meeting called to order by Co-Chair Phil Regan at 4:45pm. Phil explained that he and Matt have filed conflict of interest disclosure statements with the Town. They will sit in on the meeting and vote but not chair the meeting.

Motion to have Barbara chair the meeting by Jim, 2nd by Barbara to have Barbara chair the meeting. Vote: 5 in favor of the motion. (Shelley arrived at 5:00pm and did not vote).

Barbara stated that the minutes of March 9th would be reviewed at our regular April meeting.

Barbara said this special meeting was called because of an application for “demolition of a tower and hardship” at 61 Ocean Avenue, a condominium. The reason for the demolition was a report from the owner’s engineer, John Lolley, stating that the tower was unsafe. Owner’s contractor Casey Decker said they have a proposal to remove the unsafe tower with a crane, costing approximately \$10,000. He said the owners would see if they could obtain a lower cost for the work, as they did not have the funds to cover the first estimate. Building Official Mark Barbadoro said the tower structure should come down sooner than later.

Barbara thought we might need a public hearing and also determine whether this is a hardship case. Matt questioned how the crane would remove the tower—all in one piece or sections. Casey said the nails were rusty and that it most likely would not be in one piece. Phil asked if the roof holding up the tower was stable.

Casey said their intention was to remove the tower as soon as possible and rebuild as soon as possible.

Casey then read a statement from the condo association:

*Statement from Terry Shaffer, President/Trustee, and Tom Hjerpe,
Treasurer/Trustee, of Ocean Park Condo Association at 61 Ocean Avenue,
Oak Bluffs on 3/30/16:*

We would like to share some thoughts in regards to proposed dismantling of our rooftop structure. First and foremost, we have utmost respect for the Historical Commission of Oak Bluffs and its charter. We are new owners of half the units within our building, and as new Trustees and officers of the condominium association, we are committed to

refurbishing and recreating many historical elements to our building. We also value the approval process of the Historical Commission as we recently sought and gained its approval for the replacement of windows.

As you are aware, we have obtained a permit from the building department for the dismantling of our rooftop structure. We want to communicate that this permit was not an attempt to circumvent the Historical Commission. Rather, it was necessitated by an unexpected emergency. After noticing significant rotting and actual dislodging of several pieces from the rooftop structure, we engaged John Lolley and Associates to perform an inspection. In their opinion as professional engineers, they deemed that the rooftop structure had deteriorated to the point of posing a significant risk to our property, neighboring properties and people. We therefore moved quickly to gain approval from the building department for dismantling with the sole intention of avoiding potential catastrophic damage to property and people.

We must make it clear that we neither planned nor anticipated ever removing the tower. It is an important and iconic feature of our house. Distinctive historic features like the tower are the reason that we chose to purchase units in this building and not another. The discovery that the tower was irreparable and a danger to property and persons was a total surprise and devastating for the unit owners.

Once again, we are completely committed to refurbishing and reinstalling historical elements of our building. We already have prototypes made of several decorative pieces, which have rotted and fallen apart. These prototypes include a decorative swan and dove panels, which previously adorned the front of the building.

We plan to replace the rooftop structure in some fashion in a reasonable amount of time. This timing will be dictated by our ability to raise sufficient funds to cover estimated replacement costs. Our financial position is burdened at present by a vacated unit in our building that owes our association in excess of \$35,000. We hope this situation may be resolved via foreclosure by the Lender in 2016, which may result in some monies flowing to our condo association as repayment.

Thank you so much for consideration and understanding of our situation. Terry Shaffer and Tom Hjerpe on behalf of Ocean Park Condominium Association.

Barbara thanked Casey for reading the letter and our discussion continued. Barbara stated that since the rooftop structure was not coming down immediately, as they are trying to get lower estimates, why not considering stabilizing the structure to make it "safe" to satisfy the Building Official and then restoring the structure. Mark B. restated stated in his opinion the structure should come down or stabilized sooner that later but there seems to be time for a public hearing.

David likened this to porch roofs in danger of collapse due to rotting posts where the roof is stabilized and new posts installed. Jim agreed and cited 37 Ocean Avenue as an example. Barbara also stated that a hardship application would need much more justifying data for

the commission to review in order to approve hardship. Barbara cited how other condo assoc. has maintenance, capital improvement, and other accounts in the documents in order to pay for such things.

Phil encouraged the applicants to seek funding sources such as the Oak Bluffs Community Preservation Committee and other preservation grant sources. Phil also encouraged stabilizing and restoration in place over removing and rebuilding at a later date.

Barbara strongly suggested considering stabilizing the rooftop structure now (for safety concerns), then analyzing the possibilities, costs, designs and review process before deciding on whether to remove and rebuild or restore/rehabilitate in place. The rest of the commissioners agreed with her sentiment.

Matt said he was not opposed to the structure being removed if needed or rebuilt in place but wanted all possibilities explored before making a decision. Matt also encouraged Casey to communicate to the owners that they may want to consider using costs pertaining to the removal (crane) versus stabilizing and restoring. Matt was also concerned over the time frame with the removal and rebuild. Matt said he would be open to using synthetic materials and other construction methods to help reduce costs and increase strength and appearance.

Barbara also suggested the owner's look at the whole structure to see if anymore repair/restoration is needed and if so, an application for the whole building might be the best way to go rather than piece meal.

Casey agreed to ask the owners to amend the application to one of Appropriateness with stabilization replacing demolition and exclude hardship. He will also ask them to continue this meeting until or next regularly scheduled meeting on April 13, 2016.

Phil said we needed a report or the letter submitted to the building dept.

Jim asked if the rooftop structure was "common area" or owned by someone.

Matt summarized for Casey to communicate with owners how if they decide not to remove Hardship from the application we would then require documentation in order to decide if it was a Hardship under our by-laws. If they proceed with the application to remove the structure we would like to see in the application remove and rebuild with materials list and architectural details. Matt also said if they decide to stabilize the structure and the stabilization material was to be in place for longer than a month then it should be painted to look like the surrounding structure.

Phil would like to know of a strategy for funding if they go the Hardship way. Phil would also like to see details with which ever way the intend to go.

Casey agreed for the owners to be back on April 13th and continue the discussion of this application.

Barbara introduced Ms. Alcott to the commission who attended the meeting with the intention of joining the commission.

6:10pm **Motion to adjourn by David, 2nd by Jim**
Vote: Unanimous

