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A Philistine in the Shingle Museum

The bumper stickers read "Gut Fish, Not Houses." And as the Nantucket homeowner who helped inspire them has learned, in some historic neighborhoods, your remodeling team had better include a good lawyer.

By Sasha Issenberg

The Nantucket Historic District Commission meets for its weekly deliberations in the cafeteria of the island's Cyrus Peirce Middle School, with catering provided by the on-site vending machine. Dirk Roggeveen, the HDC's chair, volunteers that the multihour affairs can be "painful to watch." Created in 1955 to "promote the general welfare of the inhabitants of the Town of Nantucket through the preservation and protection of historic buildings," the commission's jurisdiction was later expanded by the state to cover the entire island; as a result, its five elected members and three alternates now preside over just about every piece of exterior construction and renovation that takes place here. And given that the old whaling outpost today produces little beyond novelty T-shirts and overpriced cocktails, having final say in things like dormers, skirts, gables, eaves, and roof walks amounts to veto power over a huge slice of its economic activity. As they exercise this authority, the commission members engage in deliberations that can be suggestive of amateur architecture critics squabbling in the back seat during a Sunday drive. At one recent meeting, secretary Linda Williams pushed aside a set of plans for a proposed façade change with a sniff. "It's a weird house," she said. "I don't hate it," said Roggeveen, by way of defusing the situation.

Ever since he bought the house at 105 Main Street in late 2004 for $2.1 million, Edward DeSeta has become a recurring character in the commission's restored-parlor farce. At times, he seemed to be coming to the cafeteria every Tuesday, always seeking the commission's approval for a change he wanted to make to his property: to convert a garage into a living space, to rebuild a wooden fence, to replace a window sash. But no session was as contentious as the one that took place on June 27, 2006, when the agenda described the discussion to take place about 105 Main as an "administrative matter"—a term evidently used to describe an instance when the commission is put in the awkward, and disempowering, position of scolding a homeowner for work already done.

At the time, the 300-year-old house at 105 Main sat in constructive disrepair, its foundation exposed and many of its walls yanked out entirely. DeSeta, his wife, Wanda, lawyer William Hunter, and architect Rex Ingram took their places around the tables in the school cafeteria, accused of covertly collaborating on a "gut rehab," as one of the commissioners dismissively called the million-dollar renovation under way. Throughout the hearing, Roggeveen had to repeatedly counsel his colleagues against "emotionalism."

It proved a tall order: To them, DeSeta had already begun to destroy, in concentric circles of importance, one of the island's most prized vintage houses; a community's sense of historical identity; and a powerful board's ability to define architectural appropriateness for the island.

As he made his client's case, Hunter appeared to be arguing that last point directly to Roggeveen, conceding that while, yes, the DeSetas were taking apart the walls of their house—which he said were rotten—there was nothing the commission could do about it. After all, the state law that created Nantucket's historic district seemed to limit the commission's purview to only the exteriors of buildings: It "shall not consider…interior arrangement or building features not subject to public view." Essentially, Hunter was raising a question of architectural definitions worthy of the Sphinx: Were walls part of the house's interior, or exterior?

The commission pointed to a subsequent, broader clause that says it's a violation "for any person to raze any building or structure without having first obtained from the commission a permit for such razing." "I don't think you can stand there and tell us with a straight face that you can piece by piece replace an entire house so that every piece of wood in the house is new—on one of the oldest residences in Nantucket—and then tell us that it didn't require a demolition permit," said Roggeveen. "You can piecemeal demolish and replace one wall at a time. And pretty soon there's nothing."

Everyone on Nantucket is familiar with 105 Main Street: The home, also known as the Starbuck-Kilvert House, occupies a prominent spot by the Civil War monument just beyond Nantucket's downtown, and for decades was a regular stop on tours sponsored by local charity and civic groups. It's one of the remaining examples of Nantucket's first generation of residences—constructed in a timber frame and featuring the sloped rear extension known as a lean-to—inspired by postmedieval English styles adapted to New England life. "The humble and dignified Starbuck house," Rose Gonnella wrote in 2003's Sea-Captains' Houses and Rose-Covered Cottages, "is a perfect mirror of Nantucket's sturdy...architecture." Its front door provided the sole image on the cover of both that book and Building with Nantucket in Mind, a 184-page guide published in 1995 by the commission and given to builders as a suggestion of how to hew to ruling tastes on architectural styles.

The Starbuck house began its life in about 1690, erected by Edward Starbuck, one of Nantucket's first non-native residents. In 1763, the house was moved from its original location to a plot of land along the "highway" in the new downtown abutting Nantucket's harbor. Main Street evolved around the Starbuck house, which itself remained—seemingly unchanged—in the Starbuck family until Sarah C. Tobey, Edward Starbuck's great-great-great-granddaughter, sold it off in 1923. The house then passed through a number of hands over the next decade, until Charles Kilvert moved in with his wife in 1937.

After Kilvert's estate put 105 Main up for sale in 2000, outsiders began taking a closer look at the house and realized that defining its "historical character" might be more complicated than originally believed. The house was a pastiche, influenced by the early-20th-century movement known as Colonial Revival; in many cases, the elements were no older than Kilvert himself. The shingles were new, as were some of the windows: 12-over-12 window sashes that obviously did not date from the 17th century, and glass, clearly mass-produced, that could not have been more than two generations old. The plank door that had appeared so prominently on the commission's how-to book was a modern replica. When Roggeveen toured the basement after the sale, he realized that the foundation that resembled stone rubble was actually stone-and-mortar veneer applied to concrete-block masonry. "That's when I became aware of the extent of work that had been done," he says. "The house had reflected various sensibilities in terms of style, which is historic in and of itself as a process in Nantucket. As a result, the house had an appearance that people expected a really old house would have. It fit that image."

The house lingered on the market, and in 2003, the Nantucket Preservation Trust invited local designers to each outfit one of its

rooms and held a party in the garden. The purpose of the show house was to prove “you could adapt a house to today’s lifestyle but still retain its historical character,” says Ken Beaugrand, a local real estate agent and member of the trust’s board. But when the property finally found a buyer in October 2004, it didn’t take long for its new owner to demonstrate that he wasn’t satisfied with the house as it was.

DeSeta was a retired Delaware developer who split his time between homes in Palm Beach, Florida, and Charleston, South Carolina, and was now looking to spend much of the year in Nantucket. For the architects and contractor who agreed to work with them, he and his wife seemed ideal clients. DeSeta talked about how much experience they’d had with old buildings, including the restored Pennsylvania farmhouse they operated as an inn. And Wanda was known to deliver homemade muffins to the downtown Nantucket offices of the firm BPC Architecture and the construction sites where the contractor, Thomas Walsh, was at work.

In November of 2004, DeSeta submitted his first piece of paperwork to the HDC for approval: He wanted to build a new guest cottage, and to do that he would demolish the dilapidated, hydrangea-clad structure that was currently being used as a garage. Even though the building dated from only the 1930s and was not architecturally distinctive, the commission pressured DeSeta to withdraw his request, and then subsequently rejected the architects’ proposals to add shed dormers and remove a window. Throughout the project, DeSeta showed pictures of his Palm Beach home to Walsh and the architects to give them a sense of his style, even though the aesthetic—which included marble tiling—didn’t seem to match that of a modest Nantucket home. “It was very sophisticated, not a pretentious house,” says BPC’s Joe Paul, who visited DeSeta in Palm Beach for a meeting. “It just wasn’t a historic house.”

DeSeta made clear that the primary goal in converting the garage into a livable space was to use it as a residence while renovating the main structure. Once that project wrapped, he took the architects inside. According to Paul, the DeSetas insisted they intended to keep the existing layout, but—citing an older relative who had trouble negotiating stairs—wanted to replace the staircase. In addition, he says, they talked about removing the fireplace and chimney, a central element around which the whole house revolved. “The only historical parts were the parts they wanted to alter,” says Paul. “Immediately, that was a red flag for us. They were going to start destroying the house from the inside and we didn’t want to be part of it.”

Paul and his partners Mark Cutone and Chris Belanger were concerned for both the integrity of the house and their professional reputations if they proceeded. “This is not one of those houses that’s going to slip under the radar,” Paul says. The architects brought in a local mason known for his sensitive work on historic properties to see if there were creative fixes to DeSeta’s needs, such as keeping the fireplace but converting it to gas or creating a separate staircase altogether that would not affect the original structure. When Paul and Cutone floated these ideas in a meeting at BPC’s offices along Steamboat Wharf, Paul says, the DeSetas showed no interest.

“What you want out of this house isn’t true to the existing nature of the house,” Paul said as he severed the firm’s relationship with the DeSetas, who were at this point visibly offended. “I think you bought the wrong house,” Cutone added, before the two parties parted.

In spring 2006, people began phoning in tips to the HDC: Pieces of 105 Main, they said, were disappearing. When commission staffers went to take a look, they found the house had been raised on I-beams as laborers burrowed out its foundation (work for which DeSeta had a permit). The walls were also being stripped away.

The last paperwork DeSeta had submitted to the HDC concerned a request to replace the windows, but nothing suggesting such

major changes to the walls. Aaron Marcavitch, a commission staffer at the time, walked across the hall from his desk at the HDC to the town's building department, where he found a clear description of DeSeta's project. The file indicated DeSeta had received permits from the building department to reframe the floors, walls, and roof; add insulation and "new interior finishes"; and (in language both unpunctuated and vague) to "remove existing masonry mass rebuild with new conforming stair." DeSeta had submitted different floor plans to the building department and the HDC: the first showing the dismantling of interior walls, the second showing none at all.

DeSeta was under no obligation to volunteer information to the HDC about renovations. But commission members felt misled. "I think they already had a plan and wanted to keep us out of the loop as much as possible," complains commission administrator Mark Voigt. "They could have given the floor plans to us and we wouldn't have been able to say, 'You can't gut the interiors,' but it would have told us how far they were planning on going." To Voigt, it felt like a "bait-and-switch."

The commission started paying closer attention to the project. Voigt met with architect Rex Ingram, who had taken over from BPC Architecture. (Thomas Walsh, the contractor, also cut ties with the DeSetas shortly thereafter; he cites "philosophical differences." Walsh's foreman, Scott Andersen, left Walsh's employ and took on the work himself.) On May 30, the commission drafted a letter asking DeSeta to stop work on the project while he applied for approvals to complete the foundation and the new framing that appeared to the commission to raise the height of the whole house.

A week later, DeSeta—this time, with a full retinue of architect, attorney, contractor, and engineer—came again before the commission. Andersen filed an affidavit with the HDC attesting to the fact that the house's level had not been raised; rather, he claimed at the meeting, the grade had not been properly measured before construction. Hunter, DeSeta's lawyer, asked to move on to a review of the window request, but the commission declared it would wait another week, so that in the meantime the members could examine the house in person. Roggeveen came to that June 13 meeting with pictures he had taken on his camera phone. The images did not show an indisputable change in elevation, but even the other commissioners felt that "height was added somewhere in the process," as the minutes of the meeting record. Without more-conclusive evidence, the commission decided it couldn't act on the disputed foundation for yet another week.

As the commission proceeded with its bureaucratic machinations, local gadflies attempted to draw attention to DeSeta's project through letters published in the Inquirer and Mirror, postings to the lively YACK online bulletin boards, and flyers appearing on telephone poles featuring a picture of 105 Main and the question have you seen this house? "That was real confirmation that it was good for us not to take on the project," says BPC's Joe Paul.

In 2000, the National Trust for Historic Preservation placed Nantucket on its list of the country's "11 Most Endangered Places," a designation blamed largely on "an upsurge in the destructive practices of 'teardowns' and 'gut rehabs.'" It's only due to the strength of Nantucket's historic-district laws—and the acculturation of their underlying values—that preservationists aren't terribly concerned that owners will tear down their historic structures entirely; at the same time, the island's laws don't go as far as statutes in New York City and Chicago, which allow publicly accessible interiors to be designated as historic landmarks. As a result, between 15 and 20 houses on the island lose their historic interiors each year, in most cases by fully legal methods, estimates Michael May, executive director of the Nantucket Preservation Trust. "Each of these houses has a history. If you're completely gutting it and throwing it into a dumpster, you're losing all the things it can tell you," he says. "It's like going into an archeological site with a bulldozer."

Trying to convince new Nantucket residents of the versatility of old structures has not been easy. And when advising homeowners

that it's possible to adapt old utilitarian features for modern living, preservationists' suggestions have often come off as perhaps a bit too clever: In 1999, in one example, May's predecessor Patricia Butler encouraged residents to keep their back stairs—typically too steep to navigate, and in dimensions not up to today's building codes—and use them as bookshelves.

May, who assumed his post last spring, just as the controversy of 105 Main was becoming a topic of island conversation, came to the job with a spunkier notion of how to engage the gutting problem on Nantucket. During a dinner discussion, May and his friends began riffing on slogans for the burgeoning crusade. He coined 'Gut fish, not houses' and decided to print bumper stickers with the phrase. Nantucket has a robust history of using the car as a billboard for activist propaganda. When residents wanted to protest a new retail development, they did so with 'Bag the market' stickers; during a speed-limit debate, it was 'Twenty is plenty in Sconset.' "It was a natural," says May. "We wanted to encourage the discussion." More than 1,000 of his stickers have been distributed, and prompted a response, naturally in adhesive form: 'Fish rot, so do houses,' which has appeared on trucks at the 105 Main construction site.

The commission's battle with DeSeta over the house's walls had come down, nominally, to the distinction between where exteriors end and interiors begin, as well as how one defines a demolition. It was an architecturally appropriate metaphor for the way Roggeveen saw the commission's role in protecting not just buildings, but also "an indigenous architectural style, as opposed to something that's imported." For a century after the collapse of the whaling industry, the greatest tool Nantucket had in preserving its buildings was the inertia that accompanies economic depression. Since then, the island has been transformed not only into a high-end weekend destination, but into a place where visitors like the DeSetas decide they want to make their primary residence (the year-round population increased by 58 percent during the 1990s). "The question is how they will take their concept of personalizing into an authentic destination like Nantucket without ruffling feathers," says Regina Binder, cochair of the building committee in Province-town, which has undergone similar changes. "Why is it we have to take our fancy lifestyle to the places where we go to get away from what we have [elsewhere]?"

In the struggle between insiders and outsiders for control of Nantucket's most prized resource—its quaintness—the righteousness of the combatants almost always correlates to their genealogy. Roggeveen, a Cambridge-born lawyer with a day job as the town's conservation commission administrator, traces his family back to Tristram Coffin, who settled on Nantucket in 1659 along with Edward Starbuck. "We have relatives who've lived in these houses," he says. "It's not an abstract history. It's personal to me." He employs the term "mainland" as an all-purpose pejorative, dismissing something as "very mainland" or "a mainland development scheme." When discussing 105 Main, Roggeveen repeatedly invokes the care with which his family has tended to its historic structures.

In DeSeta, Roggeveen had an almost perfect foil. And he rarely attempted to mask contempt for the wealthy newcomer's philistinism. "I think he's genuinely well-meaning and I personally like him, but he does not get the issue of historic preservation. He likes historic reproductions. And he thinks they are the same thing." Roggeveen adds, "The redevelopment pressures on Nantucket are unprecedented even by the standards of the whaling period. Nantucket has done this before. The difference is that the people who did it before are people who live here, have their roots here, make their money here."

When the HDC finally took up the matter of 105 Main on June 27, 2006, most of its members fell prey to the very "emotionalism" Roggeveen had asked them to avoid. "I know it's more labor-intensive, but you have a significant structure," said Valerie Norton, the only professional preservationist on the commission. "It just makes me want to cry when I go by it. It's terrible. There are so many ways it could have been repaired instead of just demolished." Alternate member John Wagley went even further. "I've known

the Kilverts, they're good friends of my family. I was probably four the first time I was with that building," he said. "You've come in and done something so antithetical to the history of...our historic community."

When it was Roggeveen's turn, he took issue with the DeSetas' "reductionist" legal argument that they didn't require approval to alter the walls or foundation because those were part of the house's interior. "To say that the HDC only has jurisdiction over the shingles—because that is the most exterior element visible from the public row—essentially says that the HDC has no jurisdiction whatsoever," he said. The DeSetas' attorney, William Hunter, countered that "this house has sat derelict for four years...the town of Nantucket could have bought it and restored it. The Kilverts, in selling it, could have at least put a historic-preservation easement on it, and they didn't. The people that could have done things for this house didn't. And the people that are doing something for this house stepped up [and] purchased it. It's now private property, they are trying their best, and their intentions are perfect.

You may not agree with...their methods, but their minds and their hearts are in the right spot....Sitting in front of you tonight, listening to this, reading the stuff in the newspaper, watching these people being excoriated on Nantucket is simply unfair. The house was falling down, the house was coming down on its site."

The heated discussion lasted an hour. At one point, Roggeveen said to DeSeta, "I'm sorry if you felt you were going to be applauded for the work you had done, but that's not going to happen." He suggested he was defending Nantucket from becoming Disneyland or Colonial Williamsburg, and compared DeSeta's actions to buying an old painting and cutting it into little pieces. He threatened to force the DeSetas to file for a demolition permit; Hunter said they wouldn't. But ultimately, Roggeveen was resigned to declarations of helplessness, begging Hunter to allow commission staff to look at DeSeta's plans. "We don't know what's going on in the house," he said.

Nearly a year and a half later, no one at the Historic District Commission has any idea what's going on at 105 Main Street, beyond the white lights that bedecked it at Christmas and the American flag and bunting that occasionally appear outside. Mark Voigt speculates that the chimney is gone altogether from the interior—he points to a metal lip curled over the top of the stack that suggests it has been repurposed as a different sort of exhaust—and believes that when DeSeta rebuilt the walls, he did so with new lumber. (One person involved in construction says the frame, sacrilegiously, now includes steel, too.) Edward DeSeta declined to show the interior to Boston magazine, either, or answer any questions about the controversy, saying only that "it's a beautiful house, we love it, and we'd rather be private with our home."

This March, the commission withdrew its proposed change to the town's home-rule laws that would have extended its control over a building's entire historic structure, including interior elements such as chimneys and framing. And Roggeveen has come around to something approaching praise for DeSeta's renovations to the home's exterior, which, after all, were all done with the commission's approval. "Ten years from now, when it's really weathered, you won't know the difference from outside. If it were a brand-new house, we'd all be singing his praises," he said on a recent Tuesday in his office, as he waited for a HDC meeting to begin. Still, he has not given up on using the whole episode as a way to try to influence future remodelers. Once the commission has depleted its current stock of Building with Nantucket in Mind, it will print a new edition, with a cover that will likely not picture the door frame from 105 Main. "He put a lighted doorbell next to it," says Roggeveen, "which I find cheesy."