

The meeting of the Cape Cod Commission was called to order on Thursday, February 5, 2009 at 3:00 p.m. in the Assembly of Delegates Chambers in Barnstable, MA. Roll was called and a quorum established.

■ EXECUTIVE DIRECTOR'S REPORT

Executive Director Paul Niedzwiecki said the Commission's training session on the open meeting law and conflict of interest law is scheduled on Thursday, February 19. He said the open meeting law session would be held in the Commission's conference room from 12:00 to 12:45 p.m. and immediately following that the conflict of interest law session would be held in the Assembly of Delegates Chamber from 1:00 to 3:00 p.m. He announced an upcoming cape-wide historic preservation workshop sponsored by the National Trust for Historic Preservation, Preservation Massachusetts and the Cape Cod Commission. He said the workshop is scheduled on Thursday, April 2 from 11:00 a.m. to 3:00 p.m. at the Harwich Community Center. He said if Commission members are interested in attending, they should contact Sarah Korjeff at the Commission office. Mr. Niedzwiecki gave an update on the Stimulus Plan and said the Commission will continue to monitor the progress and he will keep Commission members apprised.

Sarah Korjeff, historic preservation planner at the Commission, said the representative for the 68 Dale Avenue project which is before the Commission today is running late and requested that the order of agenda items be switched to accommodate his late arrival.

Chair John Harris agreed and said the Owl Club Educational Wing project would be heard first.

■ OWL CLUB EDUCATIONAL WING—CULTURAL CENTER OF CAPE COD

Chair John Harris noted that this is a continued hearing from January 8, 2009.

The subcommittee reviewed the minutes of the February 2, 2009 subcommittee meeting. Ernest Virgilio moved to approve the minutes. Joy Brookshire seconded the motion. The motion passed with two abstentions.

Sarah Korjeff, historic preservation specialist/planner at the Commission, said the project is before the Commission because it triggers review thresholds regarding historic properties, specifically proposed demolition or substantial alteration of a historic structure on a property listed with the National Register outside a local historic district. She said as a demolition project of a historic building it automatically triggers Commission review and said the Yarmouth building inspector referred the project to the Commission on November 13, 2008. She said the project is subject only to Community Character and Heritage Preservation standards of the Regional Policy Plan. She said the Owl Club/Educational Wing of the Cultural Center of Cape Cod, located at 301 Old Main Street in South Yarmouth, is a simple one-and-a-half-story, gable roofed structure that was constructed circa 1890 as part of the Daniel Wing House, which is located at 6 Akin Avenue on an adjacent parcel. She said the building has a footprint of approximately 1,500 square feet. She the Owl Club structure was originally either an ell addition to the Wing House or a freestanding outbuilding on the site. She said the Owl Club, a men's social club formed in 1892, met regularly in a room at the Daniel Wing House beginning in 1899 and eventually moved that portion of the structure to 301 Old Main Street in 1947 when the Wing House was sold to another party. She said a porch and two small, enclosed additions to the building were added after the 1947 move. She said beginning in the 1960s, the building was used as a dance studio and as office space for the adjacent bank. She said it has been vacant for a number of years. She said the applicant proposes to demolish the existing Owl Club building and construct a new structure in its place. She said the new structure would become the Educational Wing of the existing Cultural Center of Cape Cod with 2,160 square feet proposed on the first floor, 1,800 square feet on the second floor, a full basement and a 620 square

foot connector between the existing Cultural Center and the proposed building. Ms. Korjeff outlined the findings and conditions in the draft decision and noted changes that have been made. She said it has been determined that the probable benefits of the proposed project outweigh the probable detriments resulting from the development. She said this is supported by the fact that the demolition will not have a significant negative impact on the surrounding historic district and the proposed new construction will preserve the general character of the site and the historic district. She said findings F8 through F11 in the draft decision support this conclusion. Ms. Korjeff said the subcommittee voted to recommend approval with conditions of the proposed demolition and construction of the Owl Club building and that it be forwarded to the full Commission for their consideration.

Robert Nash, Executive Director of the Cultural Center of Cape Cod, said the entire community has embraced the Cultural Center not just the town of Yarmouth. He said the Educational Wing would have a basement area and first floor that would be open to the public and said they plan to have a recording studio and pottery studio in the facility. He said the renovation is very much needed as the existing facility is bursting at the seams. He said alterations had been made in the past and there are really no historic elements left.

Florence Seldin inquired about the plans to demolish the building and asked when that would happen. She asked when the fundraising would start.

Robert Nash said they have grants in the process and some money in-house to use as matching funds should they receive grants.

Peter Graham commended Mr. Nash for his work on the Cultural Center and said he brought in renovations \$800,000 under budget. He said the art at the Cultural Center is exceptional.

Brad Crowell asked the applicant if he would be willing to change the new structure to be in character with the original building.

Robert Nash said he could comply if need be. He said he has looked at other buildings in the neighborhood and he is trying to fit into the look of the neighborhood. He said he is more interested in what is going on inside rather than outside and said the history is the club itself. He said it was a philanthropic club and that's where the history is. He said he is trying to preserve the essence of the club rather than the outer materials.

Brad Crowell questioned whether this is an important issue.

Sarah Korjeff said the issue is important but there is some flexibility here. She said the requirement is that it be consistent with the surrounding area so there is some flexibility.

Jay Zavala, said as a member of the subcommittee, he believes there are some structures that are beyond repair, pose safety concerns and should be demolished.

Joy Brookshire said the subcommittee asked the same question as Mr. Crowell and Ms. Korjeff explained it in the same way to the subcommittee.

Peter Graham moved to close the hearing and the record. Joy Brookshire seconded the motion. The motion passed with a unanimous vote.

Mark Lohan moved to approve with conditions the application of the Owl Club Educational Wing pursuant to Sections 12 and 13 of the Cape Cod Commission Act. Jay Zavala seconded the motion. The motion passed with a unanimous vote.

■ **68 DALE AVENUE, HYANNISPORT—DUANE HISTORIC HOUSE**

Florence Seldin read the hearing notice and opened the hearing at 3:35 p.m.

The subcommittee reviewed the minutes of the February 2, 2009 subcommittee meeting. Ernest Virgilio moved to approve the minutes. Mark Harding seconded the motion. The motion passed with one abstention.

Sarah Korjeff, historic preservation specialist/planner at the Commission, said the project is before the Commission because it triggers review thresholds regarding historic properties, specifically proposed demolition or substantial alteration of a historic structure on a property listed with the National Register outside a local historic district. She said the 68 Dale Avenue house has a unique history in that it's thought to be three separate buildings connected on the site in 1875 to form an annex to the adjacent Bella Vista Hotel. She described the three separate parts as the Gothic cottage thought to have been moved from a Martha's Vineyard religious campground circa 1860; the center section thought to be a store moved from nearby Irving Avenue; and the southern block thought to have moved from Centerville and appears to be circa 1850. She said it's a contributing building because its history is related to the historic significance of the district. Ms. Korjeff described the components of the proposed project as expansion of the existing building and new construction. She said the project consists of enlarging the center section of the building by approximately six feet in width with an increased height of two feet; removal of the existing porch and reconstructing two portions with a balcony atop the roof; and demolition of a rear one-story addition and construction of a new ell/garage addition in its place and would also involve lifting one foot onto a new foundation. She said from the time the project was first referred to the Commission, staff met with the applicant and representatives of the town onsite several times to try to identify the key character-defining features of the building and the appropriate means of adding on. She said the project had been altered several times following input from Commission staff and the Historical Commission which included removing the new porch and balcony proposed on the south façade, reducing the size of the center section, reducing the height of the ell and garage addition, pushing the garage addition farther back on the property. Ms. Korjeff said the subcommittee voted February 2, 2009 to recommend approval with conditions and forward the draft decision to the full Commission. She explained changes that have been made to the draft decision and reviewed key Findings 4, 6, 7 and 8 and key Conditions 5 and 6. She noted that the new dwelling would be constructed in accordance with plans dated February 2, 2009 that is attached to the draft decision as Exhibit A. She said prior to the applicant applying for local permits, the applicant would have to submit final site plans and elevations to Commission staff and the Barnstable Historical Commission to confirm that the final plans are consistent with those plans approved by the Commission. She said the final plans and elevations shall be full size, shall include dimensions of existing windows, window sills, and architectural details to the satisfaction of Commission staff, who will field verify the measurements.

Attorney Michael Ford, representing the applicants, said Mr. and Mrs. Duane are not present today as they reside in California and the property is a seasonal home for them. On behalf of Mr. and Mrs. Duane Attorney Ford thanked the subcommittee and staff for their efforts. He said the applicant has addressed objections by the Barnstable Historical Commission. He said the Local Historical Commission (LHC) said the project involved substantial alterations therefore they referred the project to the Commission in early June. Attorney Ford assured Commission members that a real effort was made to involve everyone and there have been many iterations of the site plan. He said in a recent letter from the Historical Commission in the second sentence,

third paragraph they state that the site plans are essentially the same as the plan that was objected by the LHC and Attorney Ford said that is not the case. He walked through the site plan with new elevations and noted that the south elevation is the most important element and it's being left intact. He said the garage has been moved back substantially. He said the process did work and they tried to address all the concerns of the LHC and said they achieved all the standards to preserve historic integrity. He said one of the abutters asked that the alterations take place after the summer season and the applicants have agreed to start construction in the fall.

Barbara Flinn, Chairman of the Barnstable Historical Commission, said the property is within shouting distance of the Kennedy Compound. She said she has concerns about maintaining the traditional look.

Farley Lewis, resident of Hyannisport, said she is distressed by the project. She said alterations of features of the house would change the historic look of the house. She said the garage is inappropriate and from the plans she can't get a sense of what it will look like.

Jay Zavala asked Ms. Lewis if she was speaking as an abutter or as a professional.

Farley Lewis said as a resident.

Nancy Clark said this home has been called the "jewel of Hyannisport." She provided a history of the house and its significant features. She said the Barnstable Historical Commission (BHC) is not against change. She said the existing building is a monument of how things can change. She talked about the site plans and said the final insult is the rotunda porch overlooking the sound. She said the essence of the building is being "bastardized." She thanked the subcommittee for allowing the BHC to speak at subcommittee meetings and submitting letters. She said the proposed alterations would destroy the integrity of a house that is called the "jewel of Hyannisport."

Florence Seldin asked if there were any standards for how much the building is covering the lot.

Sarah Korjeff said the proposed plan is allowed under zoning and does not require review from the Board of Appeals.

Attorney Ford referred to a comment made by Ms. Clark regarding inaccurate measurements. He said that is the reason for the condition in the draft decision that says the final plans would have to be field verified before a permit can be obtained.

Florence Seldin referred to an email from Jackie Etsten.

Sarah Korjeff said the email came after the subcommittee meeting. She said regarding measurements that is why field verification is conditioned as such.

Peter Graham referred to the porch style and asked if the proposed style is appropriate for the history of the house.

Sarah Korjeff said that is a relatively small component that does not interfere with the historic architectural detailing of the building. She said she does not believe that it interferes with the integrity of the building.

Attorney Ford referred to the porch and said there is currently a deck there and the applicant is moving from the deck to the porch. He said sliding windows would be removed.

Sheila Lyons asked what would be replacing the sliders.

Attorney Ford said it would be an open porch.

Florence Seldin asked if the driveway would be enlarged.

Attorney Ford said it would not.

Sheila Lyons said one of the complaints is that the porch roof would be obstructing. She inquired about window replacements.

Gordon Clark, architect with Northside Design Associates, said only the sashes would be replaced not the windows. He said exterior window trim and sills would remain. He said window heights would not change and they are not raising the windows. He said they agreed to keep the windows where they are.

Jackie Etsten, Barnstable planner working with the Barnstable Historical Commission, said small details would change the features of the structure. She said they may be small details but they are important. She said the center section is a lot larger than it appears to be and it will not be the same once it's demolished. She said she believes it's a violation of Massachusetts Historic Commission standards. She said the porch is the unifying feature on this building and a new porch would give it a flat façade.

Ernest Virgilio asked Ms. Etsten for clarification on "violation."

Jackie Etsten said Massachusetts Historic standards are to restore as much of the structure as possible.

Brad Crowell inquired about National Register standards.

Sarah Korjeff said the residence at 68 Dale Avenue is a contributing property in the Hyannisport National Register Historic District. She said the National Register standards are what make it part of a historic district and those standards pertain to a structure's history, significance of its association with a person or place, and architectural style/integrity. She said it may lose character but it won't be "unlisted" on the National Register.

Brad Crowell asked Ms. Korjeff if "violation" was the correct term to use.

Sarah Korjeff said she would not use that term.

Ernest Virgilio said the applicant has been very cooperative in meeting the standards. He thanked Ms. Korjeff and said the subcommittee did the best that they could do and he is satisfied with the draft decision.

Roy Richardson, chairman of the subcommittee, said he has lived in two homes that are historic in nature. He referred to an architect, Ben Thompson, who said we should not think of historic as a moment but rather as now. He said this structure has had alterations made to it over the years previously. He said the subcommittee

had asked the applicant to make many changes and they did and the subcommittee asked the LHC for their input. He said he believes this has been a good project.

Elizabeth Taylor asked if the project would be subject to further review in the town. She asked if any more changes would be made.

Sarah Korjeff said there would be no further review just a permit. Ms. Korjeff said no more changes would be made.

Elizabeth Taylor said all the plans she has seen just have the Commission's date stamp. She said all revision dates should be listed.

Attorney Ford said the final plans have a date of February 2, 2009 on them and the date is referenced in the draft decision. He said there is an engineer plan date on the plans as well.

Elizabeth Taylor inquired about replacement of windows.

Sarah Korjeff said Mr. Clark made a correction saying just the sashes would be replaced not the windows.

Florence Seldin inquired about the large garage and questioned whether it preserves the character.

Sarah Korjeff said the subcommittee grappled with that. She said originally it was thought to be most prominent on the lot. She said it would be set back and would appear as two separate massings. She said the subcommittee felt that would not have significant impact.

Sheila Lyons inquired about the length of the buildings.

Sarah Korjeff said the connecting ell is 16 feet in length and the garage is 24 feet in length. She said the increased length would be 40 feet but it would not be in a straight line and noted that it would be set back.

Jay Zavala said given the subcommittee's recommendation and the fact that requirements have been met, the project should move forward.

Joy Brookshire said the plans today look different from what she received previously.

Sarah Korjeff said she believes the key character-defining features are being preserved. She said the subcommittee grappled with the MPS but feels the key character-defining features are the gothic revival cottage and the south-facing wall.

Joy Brookshire asked if alterations have been made and garages added on to other houses in the neighborhood.

Sarah Korjeff said, yes, other alterations have been made and one garage has been added on that is quite prominent. She said the Bella Vista Hotel has had alterations.

Roger Putnam asked if this would be a summer home.

Attorney Ford said the house will be made to be year round but the primary use will be a summer home.

Liz Lewis referred to Option B of the first floor plan and asked if it was an interior or exterior wall. She said the project is very visible from the street.

Attorney Ford said it was done on the computer and it's of an exterior wall.

Peter Graham said he drove to the property and said the house is pocketed into the area. He said initially he was worried about the mass. He said he changed his mind after looking at it and believes it won't change the mass.

Attorney Ford said as we can see this has been a controversial issue. He said the house to the north has gone through expansion. He said he would encourage the full Commission to vote in favor of the subcommittee's recommendation.

Jay Zavala said he is concerned with the process. He said he is concerned about the disparity between the applicant and the LHC and asked if the hearing could be continued to allow more time to look at this.

Attorney Ford said they have gone through a series of onsite meetings since June. He said the applicants were asked to make changes and they did. He said then the applicants were asked over and over again to make changes and they agreed to all the changes. He said the applicants have done their job. He said the LHC continues to say no changes have been made and that can't be any farther from the truth. He said the decision accommodates field verification. He said he would ask that the project be moved forward and said they have gone as far as they can.

Jessica Wielgus, Commission Counsel, said there is no defect in the subcommittee's review of the project. She said the subcommittee's findings conform to the MPS. Ms. Wielgus said the extension agreement timeline for this project ends tomorrow therefore the Commission must vote on the project today.

Mark Harding moved to close the hearing and the record. Roy Richardson seconded the motion. The motion passed with a unanimous vote.

Roy Richardson moved to approve with conditions the application of Jon Duane and Catherine Friedman for a DRI for the proposed alteration and expansion of the historic residence at 68 Dale Avenue, Hyannisport. Mark Harding seconded the motion. A vote called on the motion passed with 10 votes in favor and 5 votes opposed.

A motion was made to adjourn at 5:00 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Florence Seldin, Secretary