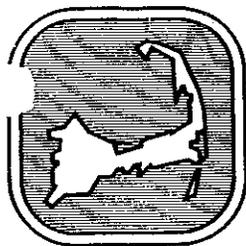


CCPEDC  
IS NOW  
THE CAPE COD COMMISSION



**CAPE COD PLANNING AND ECONOMIC DEVELOPMENT COMMISSION**

1ST DISTRICT COURT HOUSE, BARNSTABLE, MASSACHUSETTS 02630

TELEPHONE: 508-362-2511

CCC #MR90048

DATE: October 25, 1990

TO: Provincetown Fine Arts Work Center

RE: Hardship Exemption Request  
Cape Cod Commission Act, Section 23

APPLICANT: Provincetown Fine Arts Work Center

PROJECT: Provincetown Fine Arts Work Center  
24 Pearl Street, Provincetown MA

MAP/PARCEL: 4 & 6 Fishburn Court (Maps 12-3-062 & 12-3-063)

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**DECISION OF THE CAPE COD COMMISSION**

**SUMMARY**

The Cape Cod Commission (Commission) hereby approves with conditions the application of the Provincetown Fine Arts Work Center (FAWC) for a Hardship Exemption under Section 23 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for the proposed Provincetown Fine Arts Work Center project. The decision is rendered pursuant to the vote of the Commission on October 11, 1990.

**PROJECT DESCRIPTION**

The Provincetown Fine Arts Work Center (FAWC) is located on Pearl Street in Provincetown. It consists of a number of buildings, including artists' studios, residences and a gallery that have been used by artists since the early part of the 20th century. The buildings are included in the Provincetown Historic District primarily because they are within the large geographic area covered by that District, and because they have been continually used by artists since the early part of the century, not because they possess architectural significance. The FAWC, which is funded primarily through grants and donations, has been renovating the buildings, to bring them up to code and improve the artists' living and working conditions. They have provided an engineers report detailing the structural problems with several of the buildings. The buildings have had their septic facilities upgraded to meet Title V standards.

The project that is the subject of this request is the demolition and reconstruction of the main building, which includes office space, a gallery, and several residences (the gallery portion of

the building will not be demolished), and the reconstruction of a structure known as the Barn, which contains studios.

### PROCEDURAL HISTORY

The FAWC filed an Environmental Notification Form (ENF) with the Secretary of Environmental Affairs (Secretary), this was noticed in the Environmental Monitor on June 11, 1990. The MEPA regulations required the filing of an Environmental Impact Report (EIR) for this project. During the MEPA review of the FAWC the CCC staff and Massachusetts Historical Commission (MHC) commented on the project.

In the August 24, 1990 Environmental Monitor the Secretary provided a Draft Record of Decision which proposed to grant a waiver to this project so that it will not be required to go through the EIR process. This waiver was granted based on the findings of financial hardship and on comments from MHC which concluded that there are no feasible alternatives to the project as proposed, and they believe that the project could advance as long as MHC is offered the opportunity to review and comment on the proposed rehabilitation of the barn and the new construction of the main building as plans develop.

This application for a hardship exemption under Section 23 of the Act was filed with the Commission on September 20, 1990. A duly noticed public hearing on the application was conducted by the Cape Cod Commission pursuant to Section 23 of the Act on October 11, 1990 at 3:00 p.m. in the Barnstable Superior Court House Rooms 11 and 12 located on Main St in West Barnstable, Massachusetts. The Commission voted to approve the hardship exemption of the Provincetown Fine Arts Work Center.

#### Materials Submitted for the Record

- Environmental Notification Form dated May 24, 1990 from Kopelman and Paige, P.C.
- Structural survey performed by Allan Vitukevich, P.E., Aberjona Engineering, Inc., dated March 11, 1990.
- Letter from Massachusetts Historical Commission, dated August 22, 1990.
- Waiver from Executive Office of Environmental Affairs, dated August 15, 1990.
- Letter requesting Hardship Exemption from Susan Slocum, Executive Director of the Provincetown Fine Arts Work Center.
- Staff comments dated October 2, 1990.

#### Testimony

At the October 11, 1990 hearing, the Commission heard written testimony from the applicant, and oral testimony from Commission staff and other interested parties. The oral testimony is summarized in the hearing minutes of the Cape Cod Commission.

Commission staff comments were made by Lisa Hanscom, Regulatory Planner.

### JURISDICTION

The Provincetown Fine Arts Work Center (FAWC) project is considered a Development of Regional Impact (DRI) under Section 12(c)(1) of the Act, which states that any proposed demolition or substantial alteration of an historic structure outside of a regulated historic district shall be presumed to be a development of regional impact.

The project proponents are requesting a Hardship Exemption from Commission DRI review under Section 23 of the Act which states:

"The commission shall have the power after holding a public hearing pursuant to section five to grant an exemption, in whole or in part and with appropriate conditions, to any applicant from the terms and provisions of this act where the commission specifically finds that a literal enforcement of the provisions of the act would involve substantial hardship, financial or otherwise, to the applicant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the act."

### FINDINGS

The Commission has considered the hardship exemption application of the Provincetown Fine Arts Work Center project and based on consideration of such application and upon the information presented at the public hearings and filed into the record, makes the following findings pursuant to Section 23 of the Act:

1. The Fine Arts Work Center is a non-profit organization which is supported, in part, by grants from the MA Cultural Council and the National Endowment for the Arts, as well as foundations and individuals. They presently have a short term note with Shawmut bank at a monthly interest of \$14,000. Any delay in the project would cause substantial financial hardship and likely result in the abandonment of the project.
2. The structures proposed for rehabilitation lack sufficient structural integrity to continue being used without substantial renovations.
3. The continued use of the facility by artists is an important historical element of the site, and it is a benefit to the culture and character of Cape Cod for this use to continue.

### CONCLUSION

Based upon the findings above, the Cape Cod Commission hereby concludes:

The proposed rehabilitation plans for the FAW Center will not result in substantial detriment to the public good or substantially derogate from the intent or purpose of the Act. Based on the limited budget of the FAWC, a non-profit organization which is supported with grants, a literal enforcement of the provisions of the Act would involve substantial financial hardship to the applicant and possibly result in the abandonment of the project.

The Commission hereby approves the hardship exemption request of the Provincetown Fine Arts Work Center project pursuant to Section 23 of the Act, with the following condition:

1. The Provincetown Fine Arts Work Center should consult with the Massachusetts Historical Commission as to any measures that ought to be taken to minimize the impacts of this project on the historic resource, and that such measures shall be adopted into the project design to the extent they are feasible.

*[Handwritten Signature]*

Richard S. Armstrong, Chairman

10/25/90

Date

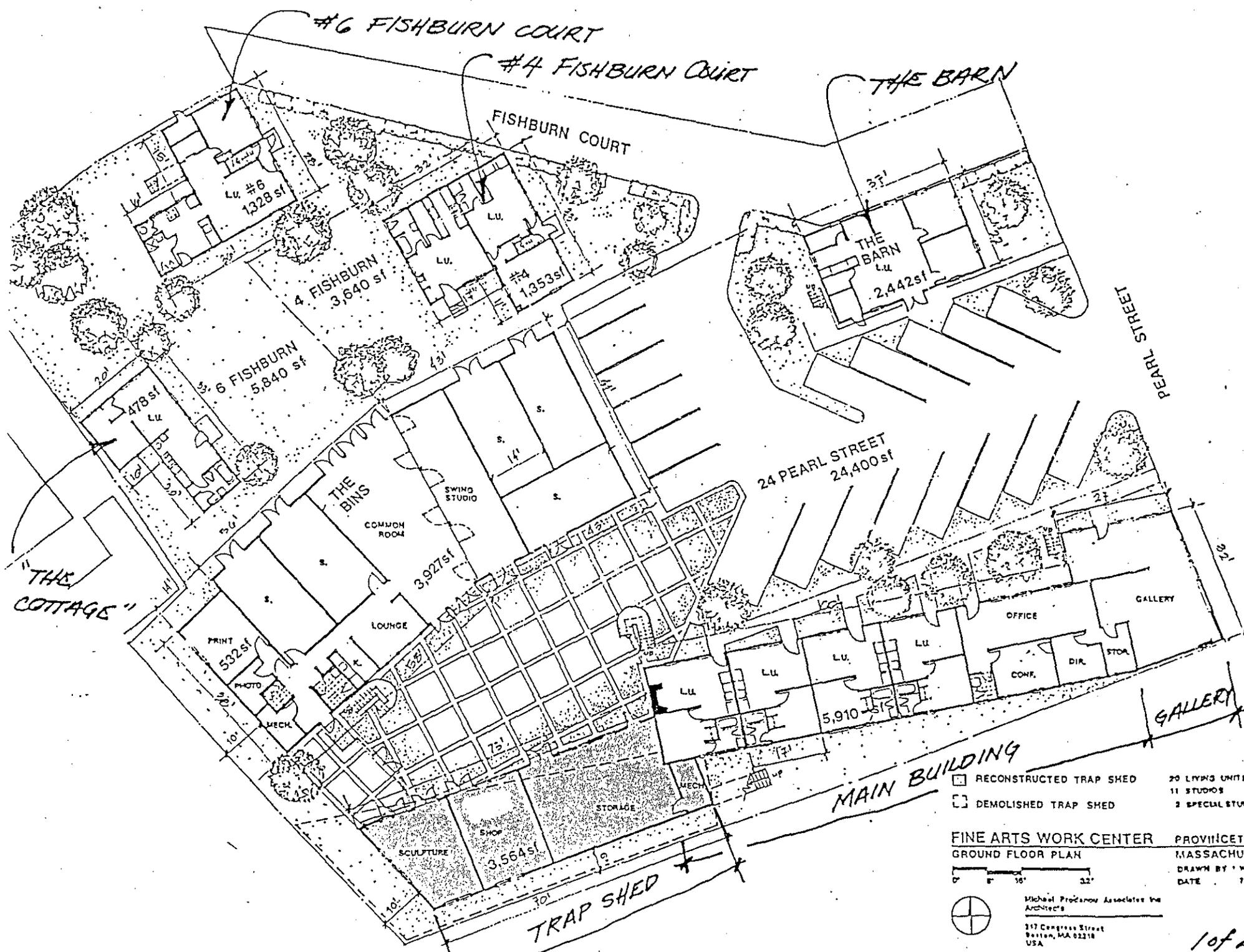
*[Handwritten Signature]*

Notary

My Commission Expires May 2, 1992

10/25/90

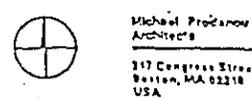
Date



- RECONSTRUCTED TRAP SHED
- DEMOLISHED TRAP SHED

20 LIVING UNITS  
11 STUDIOS  
2 SPECIAL STUDIOS

FINE ARTS WORK CENTER  
GROUND FLOOR PLAN  
PROVINCETON MASSACHUSETTS  
DRAWN BY J.W.  
DATE 7/1



Michael Prodanov Associates Inc  
Architects  
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Boston, MA 02218  
USA