

CAPE COD COMMISSION

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Date: March 28, 1991
To: Rev. Philip W. Sherman
From: Cape Cod Commission

RE: Development of Regional Impact Exemption Request
Cape Cod Commission Act, Section 12 (k)

Applicant: Marstons Mills Community Church, Inc.
Project #: EX91020
Project: Marstons Mills Community Church Addition
217 Main Street
Marstons Mills, MA 02648

Map/Parcel: Map 78 Parcels 58 & 59
Map 77 Parcel 26

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby grants the Marstons Mills Community Church, Inc. a Development of Regional Impact (DRI) Exemption pursuant to Section 12(k) of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for a proposed addition to the Marstons Mills Community Church in Marstons Mills, MA. The decision is rendered pursuant to the vote of the Commission on March 14, 1991.

PROJECT DESCRIPTION

The proposal calls for a 2600 square foot addition to an existing 3070 square foot church on a 10,202 square foot lot. The church was listed on the National and Massachusetts Register of Historic Places in 1987. The existing church consists of a 780 square foot structure built prior to 1830 in Yarmouthport, MA and moved to its present location in 1830. In 1950, several small buildings totaling 2290 square feet were moved to the site from Otis Air Force Base and attached to the rear of the church. The proposed addition will be used for church services and is to the rear of the existing structure. Parking and landscaping will also be upgraded as a part of project construction. The proposed site driveway is one-way in and one-way out, with the exit drive sharing a driveway with an existing residence to the west.

PROCEDURAL HISTORY

The Applicant filed an application for a Jurisdictional Determination on January 14, 1991. An authorized subcommittee of the Commission voted to accept jurisdiction over the project on February 4, 1991 as a substantial alteration to an historic structure. The Applicant filed an application with the town of Barnstable's Site Plan Review Committee on February 20, 1991. The DRI referral was made to the Commission by the Barnstable Site Plan Review Committee on February 21, 1991. The Applicant filed an application for a DRI Exemption under Section 12(k) of the Act on March 12, 1991. A duly noticed public hearing pursuant to Section 5 of the Act was held on March 14, 1991 in the Chamber of the Assembly of Delegates, First District Courthouse, Barnstable, MA. The public hearing was opened and closed on this date. At this hearing the Commission voted to grant the DRI Exemption request.

Materials Submitted for the record include:

- DRI Exemption application and attachments A-C dated February 26, 1991
- Letter to the Commission from Olson Design Associates, dated March 11, 1991
- Site plan by Olson Design Associates/Taylor Design Associates, Inc., dated December 12, 1990, revised March 5, 1991; 1 sheet
- Architectural plans by Olson Design Associates, dated May 11, 1990, revised June 8, December 18, 1990, 2 sheets
- letters from Marstons Mill Civic & Athletic Club, Marstons Mills Library and Rev. Philip W. Sherman allowing use of off-site parking
- letter from Margo E. Tabb granting permission to construct a shared driveway, dated March 6, 1991
- letter to Barnstable School Committee, dated March 11, 1991
- letter to Barnstable Historic Commission from Olson Design Associates, dated March 4, 1991
- letter to the applicant from Massachusetts Historical Commission, dated June 23, 1986
- Proof of ownership
- U.S.G.S. Map of project area

Additional Materials:

- DRI Referral Form, dated February 21, 1991
- Massachusetts Historical Commission historic building description of Marstons Mills Community Church, Marstons Mills, MA
- U.S. Dept. of the Interior Guidelines for Historic Structures, undated
- letter from Massachusetts Historical Commission dated January 22, 1991
- Staff report dated March 8, 1991
- Site Plan Review application to the Town of Barnstable, dated February 20, 1991
- letter from town of Barnstable, Office of Planning & Development, dated March 11, 1991
- letter from town of Barnstable Building Commissioner, dated March 6, 1991
- Meeting minutes from Site Plan Review Committee meeting, dated February 21, 1991

The application and notices of public hearings relative thereto, the Commission's staff notes, exhibits and correspondence, the transcript and minutes of the hearing and all written

submissions received in the course of our proceedings are incorporated into the record by reference.

TESTIMONY

The Commission heard oral testimony at the March 14, 1991 hearing from the Applicant's representative, David Olson, architect for the project. He stated that local concerns had been addressed through meetings with the Barnstable Site Plan Review Committee.

Commission staff stated that letters had been received from the following: the town of Barnstable's Site Plan Review Committee, which supported the proposal of shared parking with the Marstons Mills Elementary School adjacent to the project site; and the Barnstable Historic Commission, which had concerns for the effect of the proposed addition on the historic character of the church, as well as other aesthetic concerns. Commission staff stated that any issues related to the project could be addressed on the local level and were not regional in nature.

Comments from Commission members included those made by subcommittee members of the previous jurisdictional determination hearing on the project. The subcommittee had voted to take jurisdiction over the project by a three to two vote, based on the size of the proposed addition as a substantial alteration to an historic structure. A site walk completed with the Barnstable Site Plan Review Committee prior to the Exemption hearing revealed that any outstanding issues were related to site design. Concerns of the Barnstable Historic Commission could also be addressed on the local level.

Robert Firth, Barnstable Town Councillor, expressed support for the project. He stated that land for the proposed addition was purchased from the Barnstable School Department. This sale required a town meeting vote and therefore general approval from town officials.

At this hearing the Commission unanimously approved the DRI Exemption request for the proposed Marstons Mills Community Church addition under Section 12(k) of the Act, based on findings as specified in the staff report and testimony received at the public hearing.

FINDINGS

The Commission has considered the Applicant's request for a DRI Exemption regarding the proposed addition to the Marstons Mills Community Church, and based upon consideration of such request, information presented at the public hearing and submitted for the record, makes the following findings:

- 1). The Massachusetts Historical Commission has determined that the proposed addition will not jeopardize the historic and architectural significance of the property, and that the property will remain eligible for listing on the State and National Registers of Historic Places.
- 2). The location, character, and environmental effects of the proposed addition will prevent its having any significant impacts on the values and purposes protected by the act outside of the community of Barnstable, provided that the following occur:
 - The applicant adequately addresses site design issues to the satisfaction of the Barnstable Site Plan Review Committee including provision of additional buffers

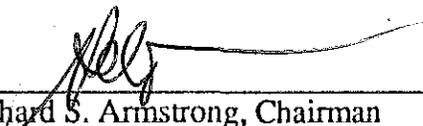
- The applicant agrees to construct the addition in accordance with the plans submitted with the application
- The architectural integrity the existing chapel is preserved and the use is limited to weddings, classrooms or other compatible uses
- The applicant seeks permission to share parking facilities with the Marstons Mills Elementary School.

CONCLUSION

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

The location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by this act outside the municipality in which the development is to be located. This conclusion is supported by the following findings: the proposed addition will not jeopardize the historic and architectural significance of the property, and that the property will remain eligible for listing on the State and National Registers of Historic Places; the Applicant agrees to adequately address site design issues to the satisfaction of the Barnstable Site Plan Review Committee including provision of additional buffers; the Applicant agrees to construct the addition in accordance with the plans submitted with the application; the Applicant agrees to preserve the architectural integrity of the existing chapel and limit the use of the chapel to weddings, classrooms or other compatible uses; the Applicant agrees to seek permission to share parking facilities with the Marstons Mills Elementary School.

The Commission hereby grants Rev. Philip W. Sherman a Development of Regional Impact Exemption from the terms and provisions of the Act, pursuant to Section 12(k) of the Act for the proposed addition to the Marstons Mills Community Church in Marstons Mills, MA.



Richard S. Armstrong, Chairman

3/28/91

Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 28 day of March 1991



NAME, Notary Public

My Commission Expires: 12/5/97