



CAPE COD COMMISSION

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Date: February 5, 1991
To: Rev. Philip W. Sherman
From: Cape Cod Commission

RE: Development of Regional Impact
Jurisdictional Determination Request
Cape Cod Commission Act, Section 12 (j)

Applicant: Marstons Mills Community Church, Inc.
Project #: JD91004
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 finds that the Marstons Mills Community Church, Inc. is not exempt from review by the Commission pursuant to Section 12(j) and Section 22(b) 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 an authorized subcommittee of the Commission on February 4, 1991.

PROJECT DESCRIPTION

The proposal calls for a 2600 square foot addition to an existing 3070 square foot church and 10,202 square foot lot which 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.

PROCEDURAL HISTORY

The Applicant filed an undated preliminary application to the Town of Barnstable's Site Plan Review Committee. The Commission received a request for opinion on the proposed addition from the Town of Barnstable Building Department on October 22, 1990. The Applicant later filed an application for a Jurisdictional Determination on January 14, 1991. The purpose of this application was to determine whether the proposed expansion was a substantial alteration under Section 12(c)(1) of the Act. The Commission determined that the application was complete on January 15, 1991. A duly noticed public hearing pursuant to Section 5 of the Act was held by an authorized subcommittee of the Commission on the Jurisdictional Determination request on February 4, 1991 in Barnstable County Superior Courthouse, Rooms 11 & 12, Barnstable, MA. The public hearing was opened at 1:00 p.m. and also closed on February 4, 1991. At the close of the public hearing the subcommittee held a public meeting where the subcommittee voted to accept jurisdiction by a three to two vote.

Materials Submitted for the record include:

- Jurisdictional Determination application and attachments A-C dated December 27, 1990
- Site plan by Olson Design Associates/Taylor Design Associates, Inc., dated December 12, 1990, 1 sheet
- Architectural plans by Olson Design Associates, dated May 11, 1990, revised June 8, December 18, 1990, 2 sheets
- Topographic plan of land by Yankee Survey Consultants, undated
- Approval Not Required plan, Baxter & Nye, Inc. dated January 24, 1989
- Standards of Rehabilitation and Guidelines for Rehabilitation of Historic Buildings, U.S. Department of Interior, undated
- letters from Marstons Mill Civic & Athletic Club, Marstons Mills Library and Rev. Philip W. Sherman allowing use of off-site parking
- Proof of ownership
- U.S.G.S. Map of project area

Additional Materials:

- Massachusetts Historical Commission historic building description of Marstons Mills Community Church, Marstons Mills, MA
- letter from Massachusetts Historical Commission dated January 22, 1991
- Staff report dated February 1, 1991
- request for opinion from Town of Barnstable Building Department, dated October 15, 1990
- Preliminary Site Plan Review application to the Town of Barnstable, undated

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 February 4, 1991 hearing from the Applicant's representative, David Olson, the architect for the project. He described the proposed project and stated that the addition was designed to meet Massachusetts Historical

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Commission (MHC) guidelines as per U.S. Department of Interior standards and was of a simple design in order to retain the integrity of the original church. The proposed addition would only be used for church services and the existing structure for classrooms or related activities. The exterior of the original church would be unchanged. He felt that this project was not a Development of Regional Impact (DRI) under Section 12(c) because the addition was to the rear of the church and would be built on a property which was added after the church was already registered.

V. Lowell, subcommittee chairman, noted that a letter was on file from the Massachusetts Historical Commission (MHC) which stated that although the proposed addition was quite large, its location to the rear of the site and other factors would not jeopardize its listing on the State and National Historic Registers.

Commission staff stated at this hearing that the proposed addition should come under the jurisdiction of the Commission under Section 12(c)(1) as a substantial alteration to an historic structure. This was due to the size of the addition relative to the existing church, and the determination made through conversations with MHC and the Barnstable Historical Commission that the proposed addition was a substantial alteration. The staff also suggested that if the subcommittee determined that it did have jurisdiction, the Applicant could pursue a DRI exemption. The staff advised that use restrictions for the existing church be pursued through local review, along with additional screening of the project and construction in accordance with plans submitted.

The Commission also received testimony from Patricia Anderson, Director of the Barnstable Historical Commission, who stated that the project should be reviewed as a DRI because it met the thresholds established by the Commission, and because it would be an addition to a building listed on the National and Massachusetts Register of Historic Places. She also stated that MHC was not aware that the building would be on a curve in the roadway and would therefore be very visible from both directions. She felt that MHC would have changed the tone of its letter if it had known that this building was on a curve. V. Lowell asked Ms. Anderson what the Historical Commission would like to see come out of the project if it became a DRI. Ms. Anderson replied that the Commission was concerned with maintaining the integrity of the original church structure and ensuring that the existing church was used for classrooms as proposed by the Applicant, as well as streetscape and parking issues. If this project did not become a DRI, the Historical Commission would not have enough input into the review process.

Comments from the subcommittee included provisions for on-site parking, and screening of the project to reduce its visibility. It was felt that the outstanding issues on the project could be addressed on the local level through the Site Plan Review process. It was also felt that the addition would be visible but not so prominent that it would be very detrimental.

FINDINGS

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

- 1). The proposed addition meets the jurisdictional thresholds of the standards and criteria governing developments of regional impact under Section 12(c)(1) of the Act, as a substantial alteration to an historic structure. This is based on the fact that the proposed addition is nearly equal the size of the existing structure.

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2). The proposed addition is not exempt under Section 22 of the Act as a development which had received a special permit, variance, or order of conditions prior to July 1, 1989; or, a building permit prior to the effective date of the Act.

3). The Massachusetts Historical Commission has determined that the proposed addition will not jeopardize the historic and architectural significance of the property, and will remain eligible for listing on the Massachusetts and National Registers of Historic Places. This is due to the following factors: the location of the addition to the rear of the existing structure; the use of compatible building materials for the proposed addition; the height of the proposed addition which will not exceed the roofline of the existing church; and, the construction of the addition in accordance with the U.S. Department of the Interior Standards for Rehabilitation for historic structures.

CONCLUSION

Based on the findings above, the Commission hereby concludes that the proposed addition to the Marstons Mills Community Church is not exempt from Commission review under Section 12(c)(1) and Section 22 of the Act. This conclusion is based on the findings that the proposed addition is a substantial alteration to an historic structure due to its size relative to the existing structure. It is also not exempt under Section 22 of the Act as a development which had received a special permit, variance, or order of conditions prior to July 1, 1989, or a building permit prior to the effective date of the Act.

Therefore, the proposed addition is subject to review as a Development of Regional Impact pursuant to Section 12(c)(1) of the Act.

This decision is rendered by a vote of an authorized subcommittee of the Cape Cod Commission on February 4, 1991.

Victoria H. Lowell
Victoria Lowell, Subcommittee Chair

2/5/91
Date

Geneva A. Cahoon
Notary

2/5/91
Date

My Commission Expires December 31, 1994