



# CAPE COD COMMISSION

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DATE: August 10, 2000  
TO: Bruce B. Daniel  
FROM: Cape Cod Commission  
RE: Development of Regional Impact  
Cape Cod Commission Act, Sections 12 and 13  
APPLICANT: Bruce B. Daniel and Susan M. Dacey  
P. O. Box 290435  
Charlestown, MA 02129  
PROJECT #: TR20017  
PROJECT: Dacey Historic House  
40 Pleasant Street, South Yarmouth, MA  
BOOK/PAGE: Book 8692, Page 260

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Bruce B. Daniel as a Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for the proposed Dacey Historic House demolition. The decision is rendered pursuant to a vote of the Commission on August 10, 2000.

### PROJECT DESCRIPTION

The Dacey Historic Home, located at 40 Pleasant Street within the Bass River Historic District, is listed on both the National Register of Historic Places and the Massachusetts Register of Historic Places. The Dacey Historic House is located on a small lot on the corner of Pleasant Street and a Town Way to the water. The building fronts on Pleasant Street and has a simple form that appears as a modified version of a full Cape house. The house is one and a half stories with a gable roof and central chimney. The front façade has a central doorway typical of a full Cape style home, but the window pattern is uncharacteristic, with two windows on the right and only one window on the left. There are more modern rear ells that extend toward the Bass River and are visible from



the Town Way to the water. The character defining features of the building are its small scale and simple massings.

The Dacey House was inventoried by the Yarmouth Historical Commission in 1979 and included as a contributing building in the Bass River National Register Historic District when it was established in 1990. The District includes 423 properties and its period of significance is 1700 to 1935. The inventory form for the Dacey House suggests that the building was constructed in 1800 and moved to the current site in 1910, but this information has been shown to be incorrect. The Dacey House property was originally part of the neighboring property (34 Pleasant Street) and was subdivided off in January 1932 as a 18,900 square foot lot. The lot was deeded to Carmen Tonberg in February 1932 and then to Doris Lewis (Tonberg's niece) in April 1932. Lewis apparently designed the house and worked with a builder named Bacon on the construction in 1934, then used the building as a summer residence.

The applicant has proposed to demolish the existing building and construct a new building which is Greek Revival in form, like many other residential structures in the Bass River Historic District. The proposed structure is significantly taller than the existing house, but would follow roughly the same footprint as the existing building. The proposed project is subject to review by the Yarmouth Zoning Board of Appeals.

#### PROCEDURAL HISTORY

The project was referred to the Commission by the building inspector on May 3, 2000. The Commission received the referral on May 4, 2000. A hearing officer opened the public hearing on June 22, 2000. A duly noticed public hearing was conducted by the Commission pursuant to Section 5 of the Act by an authorized subcommittee of the Commission on July 19, 2000 at the Yarmouth Town Hall. The public hearing was continued to August 10, 2000, and the record was left open for submission of written materials until August 10, 2000. The public hearing was closed on August 10, 2000.

The subcommittee held a public meeting after the public hearing on July 19, 2000 to deliberate on this project. At the July 19, 2000 subcommittee meeting, the subcommittee voted to grant the chair of the subcommittee the ability to approve a draft decision for review by the full Commission. Pending comments from the Massachusetts Historical Commission, the members voted unanimously to recommend to the full Commission that the project be approved as a DRI, subject to conditions. A final public hearing was held before the full Commission on August 10, 2000. At this hearing, the Commission voted unanimously to approve the project as a DRI, subject to conditions.

#### Materials submitted for the record

##### From the applicant:

- DRI application form and attachments, and undated plans, received June 6, 2000.
- Letter and attachments from Bruce B. Daniel to Sarah Korjeff, dated June 8, 2000.
- Neighborhood petition in support of the application to demolish the house at 40 Pleasant Street, received July 19, 2000.
- Site plan and elevation drawings, dated 4/30/00, received July 19, 2000.

From Cape Cod Commission staff:

- Letter from Sarah Korjeff to Susan Dacey/Bruce Daniel, dated May 9, 2000.
- Memo from Sarah Korjeff to subcommittee members, dated July 7, 2000.
- Staff report dated July 13, 2000.

From state/local officials:

- DRI Referral form and attachments from James Brandolini, received May 4, 2000.
- Letter from Priscilla Gregory, Yarmouth Historical Commission, to James Brandolini, Building Commissioner, and Form B historic inventory for 40 Pleasant Street, South Yarmouth, dated April 21, 2000.
- Letter from Betsy Friedberg, Massachusetts Historical Commission, to Bruce Daniel, dated May 11, 2000.
- Letter from Ann Lattinville, Massachusetts Historical Commission, to Bruce B. Daniel, dated July 5, 2000.
- Memo from Yarmouth Historical Commission to Sarah Korjeff, dated July 19, 2000.
- Letter from Ann Lattinville, Massachusetts Historical Commission to Bruce B. Daniel, dated July 26, 2000.

From the public:

- Letter from Bainbridge Crist to Cape Cod Commission, dated July 7, 2000, in favor.
- Letter from Karam and Donna Skaff to Cape Cod Commission, dated July 10, 2000, in favor.
- Letter from Thomas and Geraldine Roche to Cape Cod Commission dated July 13, 2000, in favor.

The application and notices of public hearings relative thereto, the Commission staff's notes, exhibits and correspondence, the transcript and minutes of meetings and hearings 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 July 19, 2000 public hearing from Virginia Robinson, Yarmouth Historical Commission stating the Commission's support for the proposed project provided that final plans would be reviewed by the Historical Commission and the Cape Cod Commission. William Connors stated his support for the project and his belief that the proposed plans were in character with the historic district. Bruce Daniel, applicant, described why they were proposing a new structure on the site and stated that the lot is non-conforming and therefore must go before the Zoning Board of Appeals. He stated his willingness to send the final plans to the Historical Commission for review.

JURISDICTION

The proposed Dacey Historic House demolition qualifies as a Development of Regional Impact (DRI) under Section 3(a) of the DRI Enabling Regulations governing review of Developments of Regional Impact, which requires review of "any proposed demolition or substantial alteration of an historic structure or destruction or substantial alteration to an historic or archaeological site listed with the National Register of Historic Places or

Massachusetts Register of Historic Places, outside a municipal historic district or outside the Old King's Highway Regional Historic District."

### FINDINGS

The Commission has considered the application of Bruce B. Daniel for the proposed Dacey Historic House demolition, and based on consideration of such application and upon the information presented at the public hearing and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act:

1. The proposed project involves the demolition of a building located at 40 Pleasant Street, South Yarmouth, listed as a "contributing" building within the Bass River National Register Historic District. The project also involves the construction of a new building on its site.
2. At the time the Bass River Historic District was created, the Dacey House was thought to have been built circa 1800 and to represent the area's early development as a maritime focus in Yarmouth. Current research shows that the building was constructed in 1934 during development of the Cape's summer tourist and second home industry.
3. Minimum Performance Standard 6.1.2 requires preservation of the distinguishing, original qualities of an historic building, structure, landscape or site and its setting unless the applicable local authority (historical commission) determines that such removal will not substantially alter or damage the integrity of the building or the site. The Yarmouth Historical Commission reviewed the plans for the proposed project and voted unanimously on July 18, 2000 to approve the demolition of the house at 40 Pleasant Street, noting that the building was constructed circa 1935 and that the builder and subsequent owners have not contributed to the history of the Bass River National Register District.
4. No additional information was presented by the public to indicate that persons associated with the property at 40 Pleasant Street played a significant role in the history or development of the Bass River area.
5. Minimum Performance Standard 6.1.1 states that the Massachusetts Historical Commission (MHC) will help the Commission review projects which will affect properties on the National Register of Historic Places. In a letter dated July 26, 2000, MHC stated that despite interior fire damage, the house at 40 Pleasant Street retains significant integrity to still be considered a "contributing" building in the Bass River Historic District. Demolition of the building would diminish the historic and architectural significance of the historic district.
6. The Bass River Historic District represents a collection of historic properties that developed between 1700 and 1935. The area has evolved greatly over time, contributing to the diversity of architectural styles and patterns which make up the historic district today. Because of the Dacey House's construction at the end of the historic district's period of significance, its lack of association with significant persons, architectural styles, historic events, and themes that guided the district's evolution, as

well as its recent fire damage, it appears that this property is an appropriate location to allow for continued evolution of the historic district.

7. The Yarmouth Historical Commission requested that the Cape Cod Commission allow demolition of the Dacey House at 40 Pleasant Street with the condition that building plans be approved by the Commission and that any substantial changes in plans come back to the Cape Cod Commission for approval.

8. As required by Minimum Performance Standard 6.2.2, the proposed design for the proposed new structure is consistent with the character of the surrounding historic district in its materials, moderate scale, varied massing, roof pitch, proportions, and level or architectural detail. The Yarmouth Historical Commission stated that the Greek Revival design of the proposed new structure is compatible with many historic houses in the district.

9. The proposed project requires approval from the Yarmouth Zoning Board of Appeals because the project is proposed on a non-conforming lot. Granting the DRI approval is in no way intended to support or oppose the grant of such approval at the local level. The proposed project is otherwise consistent with local development bylaws.

10. The benefits of constructing a new structure which is consistent with the character of the surrounding historic district and traditional Cape Cod architectural styles outweighs the detriment of demolishing a structure built at the end of the historic district's period of significance and otherwise not known to have contributed to the historic district's significance. Consistent with MPS 6.1.3, the project will not impact archaeological resources since it will be developed on the footprint of the existing building. Consistent with MPS 6.2.1, the height and scale of the new building are compatible and harmonious with the site and existing surrounding buildings. Consistent with MPS 6.2.2, the proposed new building height and materials are harmonious with the distinctive surrounding architectural styles and the proposed new building does not obscure views of existing historic structures from public ways.

#### CONCLUSION

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

The benefits of the proposed project outweigh the detriments resulting from the development. This conclusion is supported by findings #3 through #10.

- Yarmouth does not yet have a certified Local Comprehensive Plan.
- Because the project only trips the DRI threshold relating to demolition or substantial alteration of historic properties, it is only subject to the Minimum Performance Standards in Section 6 (Heritage Preservation/Community Character) of the Cape Cod Regional Policy Plan. The proposed project is consistent with the Minimum Performance Standards in Section 6 of the Regional Policy Plan. This conclusion is supported by the findings that the proposed demolition will have limited impact on the integrity of the historic district and the proposed new structure is compatible and harmonious with the surrounding historic area.

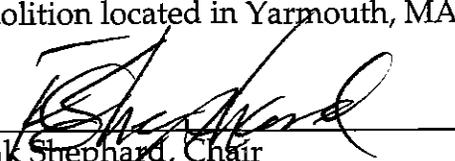
- The proposed project requires approval from the Yarmouth Zoning Board of Appeals because the project is proposed on a non-conforming lot. The proposed project is otherwise consistent with local development bylaws.

The Commission hereby approves with conditions the application of Bruce B. Daniel for the proposed Dacey Historic House demolition as a Development of Regional Impact, provided the following conditions are met:

#### CONDITIONS

1. This DRI decision is valid for 7 years and local development permits may be issued pursuant hereto for a period of 7 years from the date of the written decision.
2. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this decision.
3. The applicant shall obtain all state and local permits for the proposed project.
4. No development work, as the term "development" is defined in the Act, shall be undertaken until all appeal periods have elapsed or, if such an appeal has been filed, until all judicial proceedings have been completed.
5. The applicant shall forward to the Commission, forthwith, a copy of final elevations and plans approved by the Yarmouth Board of Appeals upon receipt of local approvals.
6. Prior to issuance of a building permit for demolition of the existing building or for construction of a new building on site, the final elevation drawings and site plan shall be reviewed and approved by Commission staff and by the Yarmouth Historical Commission. Final elevation drawings and site plan shall be based on plans dated April 30, 2000 and submitted to the Cape Cod Commission on July 19, 2000.
7. The proposed new structure shall be constructed in accordance with plans approved by Commission staff and by the Yarmouth Historical Commission. Any changes in exterior elevations or site plan made during construction shall be reviewed by Commission staff to determine their consistency with Section 7 of the Cape Cod Commission Administrative Regulations, Modifications to Approved DRIs, dated 6/3/99 and as amended from time to time.

The Cape Cod Commission hereby approves with conditions the application of Bruce B. Daniel as a Development of Regional Impact pursuant to Sections 12 and 13 of the Act, c. 716 of the Acts of 1989, as amended for the proposed Dacey Historic House demolition located in Yarmouth, MA.

  
\_\_\_\_\_  
Frank Shephard, Chair

  
\_\_\_\_\_  
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 10<sup>th</sup> day of August 19 2000

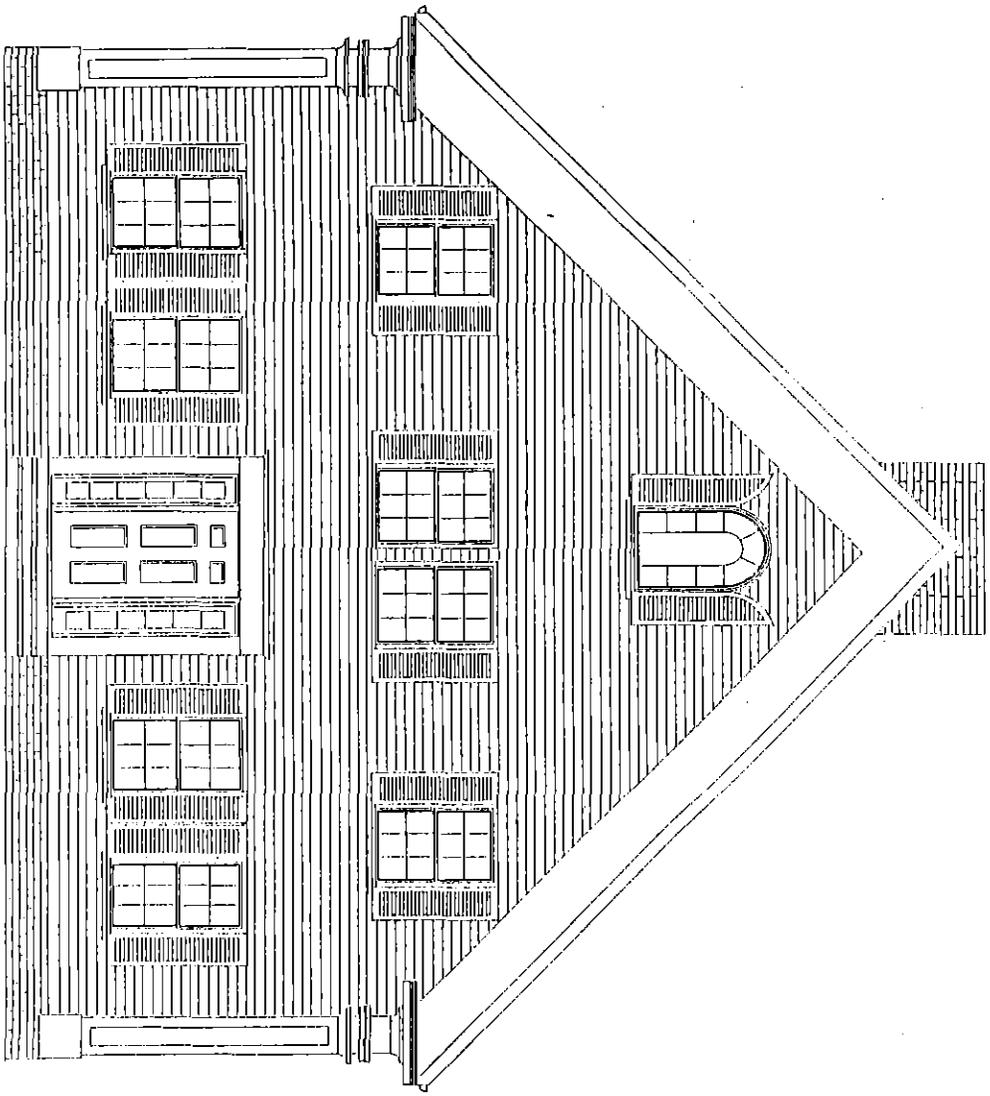
Katharine L Peters  
Name, Notary Public

My commission expires:



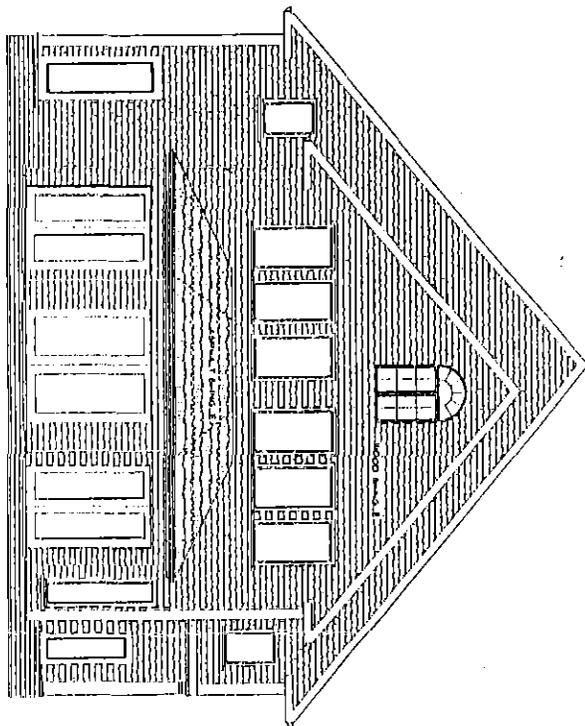
FRONT ELEVATION

SCALE: 3/8" = 1'-0"



REAR ELEVATION

SCALE: 3/8" = 1'-0"



40 PLEASANT STREET, BASS RIVER  
 S. YARMOUTH, MA  
 SUSAN M. DACEY, OWNER 617-242-3400

SCALE: 1/8" = 1'-0"

DRAWN BY

APPROVED

DATE

4/30/00

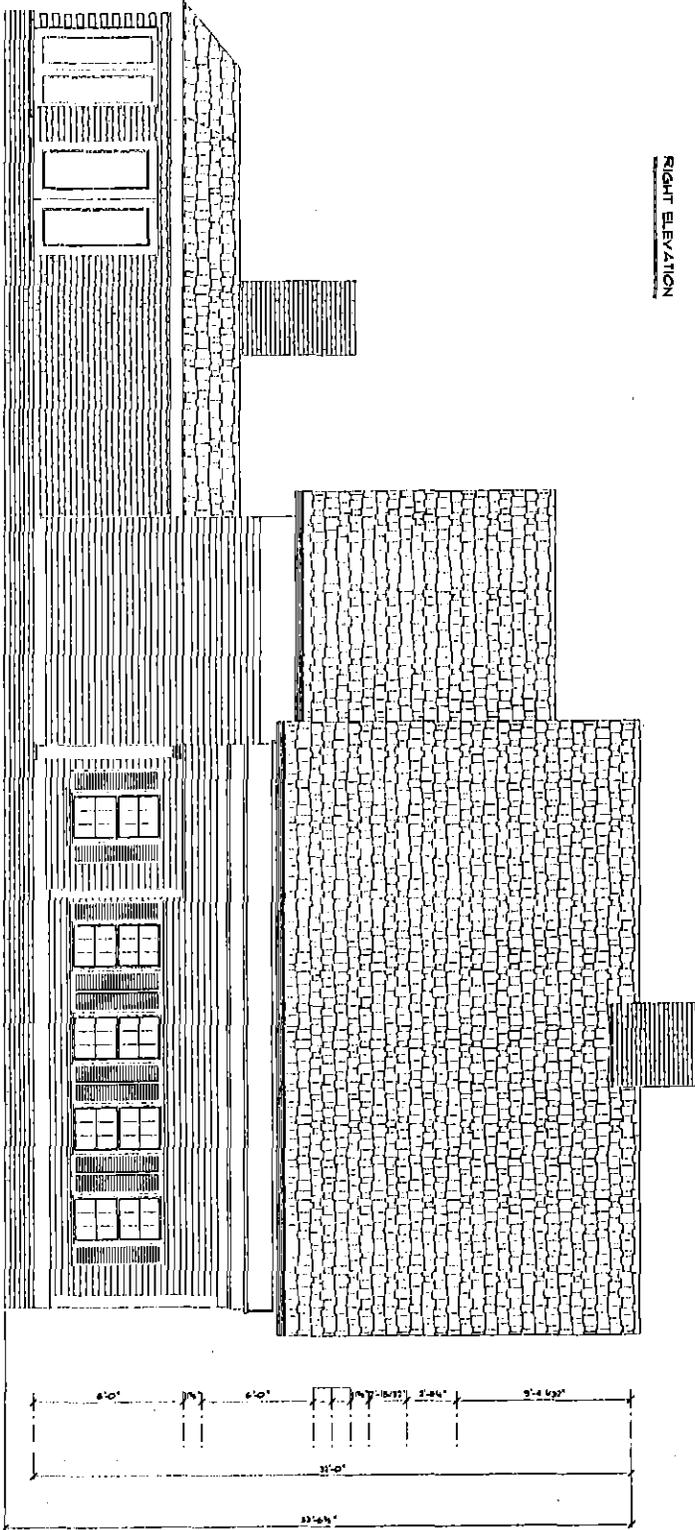
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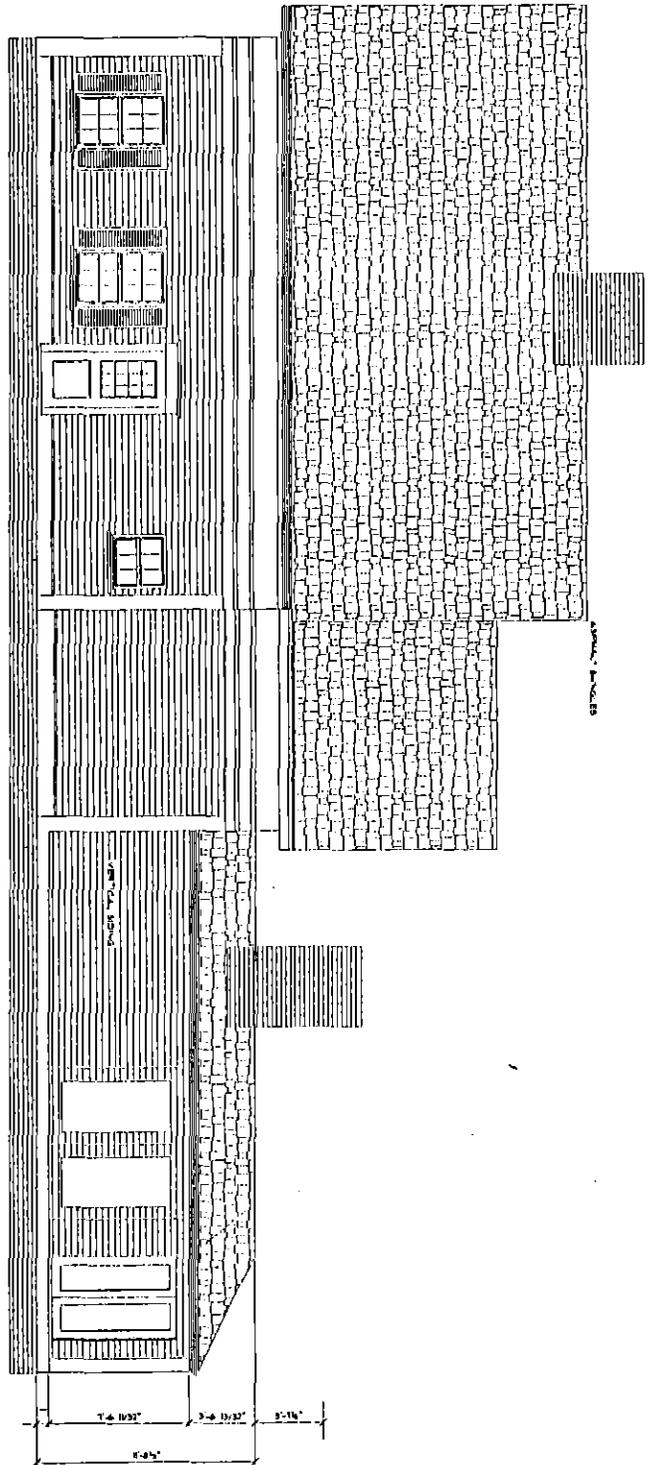
A-2

*Rec'd  
 7.19.00  
 SPK*

LEFT ELEVATION



RIGHT ELEVATION



40 PLEASANT STREET, BASS RIVER  
 S. YARMOUTH, MA  
 SUSAN M. DACEY, OWNER 617-242-3400

SCALE: 1/8" = 1'-0"

DRAWN BY

APPROVED

DATE

4/30/00

REVISED

DRAWING

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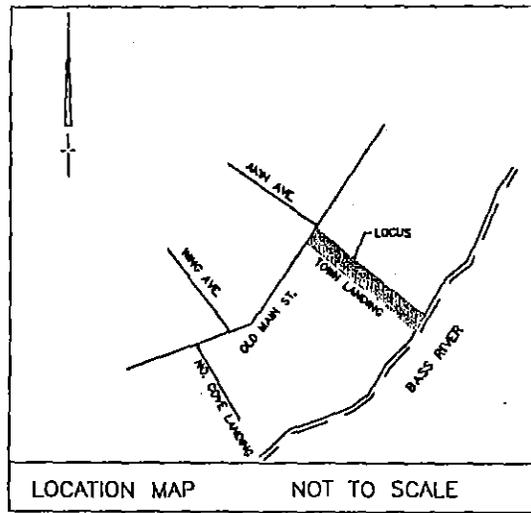
*Reid  
 7-19-00  
 SPK*

PARCEL 5  
DONALD O. PECK  
43 PLEASANT ST.  
SO. YARMOUTH  
02664

BENCHMARK - CENTER OF  
DRAIN. MANHOLE COVER  
ELEV. = 14.70 (NGVD)

PARCEL 97  
SUSAN M. DACEY  
BOX 435  
CHARLESTOWN, MA 02129

PARCEL 98  
WILLIAM E. AND ELLEN  
CONNORS  
46 PLEASANT ST.  
SO. YARMOUTH 02664



ASSESSORS MAP 61 PARCEL 97  
ZONING DISTRICT: RS 25  
YARD SETBACKS:  
FRONT = 30'  
SIDE = 15'  
REAR = 20'  
PLAN REF. - 45/101  
FLOOD ZONE: A8 EL. 9, B AND C  
250015 0004C 6/17/86  
ELEVATIONS NGVD

**% COVERAGES**

AREA OF UPLAND	18,650 ± SF	
EXIST. DWELL	1986.4 SF	10.5%
W/EXIST DECK	457 SF	12.9%
PROP. DWELL	1876.5 SF	10.0%
W/DECK	457 SF	12.5%

ARNE H. OJALA, P.E., P.L.S.

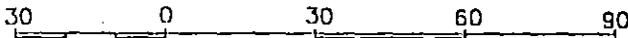
5/2/00  
DATE

**SITE PLAN**

OF **40 PLEASANT STREET**

IN THE TOWN OF:  
**(SOUTH) YARMOUTH**

PREPARED FOR: **BRUCE DANIEL**



SCALE: 1" = 30' DATE: MAY 1, 2000

down cape engineering, inc.

CIVIL ENGINEERS  
LAND SURVEYORS

939 main st. yarmouth, ma 02675

Rec'd  
7-19-00  
SPK