



CAPE COD COMMISSION

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DATE: May 2, 2002

TO: David Lyttle, applicant's representative
Ryder & Wilcox
P.O. Box 439
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FROM: Cape Cod Commission

RE: Development of Regional Impact
Cape Cod Commission Act, Sections 12 and 13

APPLICANT: Robert and Pamela Valleau
123 Bedford Road
Lincoln, MA 01773

PROJECT #: TR02005

PROJECT: Valleau Historic Dwelling, 47 Eliphamets Lane, Chatham, MA

BOOK/PAGE: Book 10258/Page 327

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Robert and Pamela Valleau 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 Valleau Historic Dwelling re-use and new construction. The decision is rendered pursuant to a vote of the Commission on May 2, 2002.

PROJECT DESCRIPTION

The Valleau Historic Dwelling, located at 47 Eliphamets Lane, Chatham, is listed on both the National Register of Historic Places and the Massachusetts Register of Historic Places. The applicant proposes to reuse a portion of the existing historic dwelling in the construction of a new dwelling on the property. The applicant also proposes to permanently preserve two historic fish shanties on the property, one of which will be relocated on site and its side ell reoriented on the facade.

The Valleau Historic Dwelling is located near the foot of Eliphamets Lane, on Mill Pond in Chatham. It is a small, wood frame building, approximately 15 feet by 26 feet, constructed in 1938 as a summer rental cottage. It was enlarged in the 1950s and further altered in the 1970s. It is part of a cluster of small structures built as fishing shanties and summer cottages, all of which are contributing buildings in the Old Village Historic District, listed on the National Register of Historic Places on December 17, 2001. The character-defining features of the Valleau Historic Dwelling are its small scale, simple form and materials. The building is located on a 5,500 square foot parcel that contains four small structures, including two historic fishing shanties.

PROCEDURAL HISTORY

The project was referred to the Commission by the Chatham Building Department on January 16, 2002. The Commission received the referral on January 18, 2002. The project had already secured local permits, including a special permit from the Zoning Board of Appeals and an order of Conditions from the Conservation Commission, when the project became subject to Cape Cod Commission review due to the area's designation as a National Register Historic District. 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 March 7, 2002 in the Chatham Town Annex at 261 George Ryder Road. The public hearing was closed on March 7, 2002 and the record was left open for submission of written materials until May 2, 2002.

The subcommittee held public meetings to deliberate on this project on March 7, 2002, April 2, 2002, and April 18, 2002.

At the April 18, 2002 subcommittee meeting, the subcommittee voted unanimously to recommend to the full Commission that the proposed re-use and new construction be approved with conditions. A final public hearing was re-opened April 18, 2002 and continued to the full Commission meeting on May 2, 2002. 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, including elevation drawings, site plan and associated materials, dated February 13, 2002, received February 14, 2002.
- Plan showing approximate ridge height of buildings in project vicinity, prepared by Ryder & Wilcox, dated March 14, 2001, received March 14, 2002.
- Site Plan for 47 Eliphamets Lane, Chatham, showing revision to keep historic shed on site, prepared by Ryder & Wilcox, dated September 14, 2001, received March 14, 2002.
- Valleau Dwelling Design Narrative, prepared by Mauge Architects, dated March 22, 2002, received March 26, 2002.
- Floor plan and elevations showing change in massing from existing Valleau Residence to proposed, prepared by Mauge Architects, dated April 8, 2002, received April 9, 2002.
- Preliminary elevations of revised Valleau Residence, incorporating part of existing building, prepared by Mauge Architects, dated April 2002, received April 12, 2002.
- Revised elevation drawings for Valleau Residence, prepared by Mauge Architects, dated April 18, 2002, received April 18, 2002.

From Cape Cod Commission staff:

- DRI referral notification letter, dated January 24, 2002.
- Staff Report, dated March 7, 2002.
- Project Update, dated March 28, 2002.
- Project Update, dated April 9, 2002.

From state/local officials:

- Letter and attachments from Paula M. Liska, Permitting Coordinator, to Sarah Korjeff, CCC, re: referral of 47 Eliphamets Lane, Chatham, dated January 16, 2002.
- DRI referral form, dated January 22, 2002, received January 23, 2002.
- Historic inventory form (Form B) and information from Rogers and MacAdam, undated, received from Chatham Historical Commission on February 2, 2002.
- Letter from Massachusetts Historical Commission to David Lyttle re: Valleau property, dated March 5, 2002.
- Letter from Chatham Historical Commission to Cape Cod Commission re: opposition to full demolition, dated March 14, 2002.

From the public:

- Letter from Anne Rogers and David MacAdam to Cape Cod Commission, re: proposed Valleau project, dated March 3, 2002.
- Letter from Herbert and Frances Greenhalgh to Town of Chatham, re: support for proposed plan, dated March 11, 2002.
- Letter from Candace Jenkins to Sarah Korjeff, CCC re: opposition to proposal, dated March 11, 2002.
- Letter from Mike Pease to Town of Chatham, re: support for proposed plan, dated March 12, 2002.
- Letter from Old Village Association to Cape Cod Commission, re: opposition to demolition proposal, dated March 12, 2002.
- Letter from William DeW. Horrocks, Jr., to Cape Cod Commission, re: opposition to demolition proposal, dated March 14, 2002.
- Letter from Michael T. Sansonetti to Cape Cod Commission, re: support for demolition and new construction, dated March 14, 2002.
- Letter from Carol Pacun to Sarah Korjeff re: including Candace Jenkins, preservation consultant, in future discussions, dated March 15, 2002.
- Letter from Anne Rogers and David MacAdam to Cape Cod Commission, re: opposition to demolition proposal, dated March 17, 2002.
- Letter from Norman Pacun to Len Stewart, CCC, re: opposition to demolition proposal and concern about review process, dated March 20, 2002.

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 March 7, 2002 hearing. At the hearing, David Lyttle, Ryder & Wilcox, presented the applicant's proposal and described the

permitting process to date. Brent Mangel, Mangel Architects, described the proposed new structure. Sarah Korjeff presented the staff report. Nancy Yeaw, Chatham Historical Commission, described the significance of the building as part of the historic district and spoke in opposition to the demolition proposal. Rob Disston, abutter, stated support for the proposal and his intention to do similar work on his property. Bart Dunbar, manager of Pease boat yard, stated appreciation for the history of the area and support for the Valleau proposal. Bob Walsh noted the potential for future expansion of the building and acknowledged a trend toward altering buildings in the area. Carol Pacun, Old Village Association, stated concern about the total demolition of the building and its impact on the historic area. Michael Pease, Pease Boat Yard, spoke in favor of the proposed project. Mark Harrington, friend of the applicant, stated that the existing building's alterations have removed its significance. Fran Greenhalgh, abutter, stated her support for the project. David Veach, Old Village Association, noted that if this were done to all buildings in the area, its character would be lost. Dee Dee Dunbar, resident, stated concern about demolition of the fish shanties. Duane Landreth, attorney for the applicant, stated that the primary concern should be preservation of the grouping of historic buildings. He noted that the Valleaus have preserved two historic fishing shanties and have proposed to replace the shore cottage modestly. Mr. Landreth noted that all other local approvals are already in place and then discussed the benefits/detriments test. He asked if it would make a difference if part of the building were retained. Ms. Yeaw answered yes. Ms. Greenhalgh noted that all other buildings of concern would require Cape Cod Commission review. Rob Valleau described the evolution of their proposal and stated they would be willing to permanently retain the fishing shanties on site. In response to a question from the subcommittee, Mr. Mangel and Mr. Valleau stated concern about the limited potential for compromise regarding the proposed second story.

JURISDICTION

The proposed Valleau Historic Dwelling project 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 Robert and Pamela Valleau for the proposed Valleau Historic Dwelling re-use and new construction, and based on consideration of such application and upon the information presented at the public hearings and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act:

1. The Valleau Historic Dwelling, located at 47 Eliphamets Lane in Chatham, is listed on both the National Register of Historic Places and the Massachusetts Register of Historic Places. It is a one-story, wood shingle building, approximately 15 feet by 26 feet, with a

gable roof ridge height of 14 feet. The property is significant as a surviving example of small summer rental cottages constructed in the early 20th century during the area's transition from a maritime to a resort community, and as part of the remaining cluster of small-scale fishing shanties and related structures on Mill Pond. The character-defining features of the building are its small scale, simple massing and detailing, and materials.

2. The project is located within Chatham's Old Village Historic District, which was listed on the National Register of Historic Places on December 17, 2001. The district includes 220 contributing properties representing the area's origins as a maritime community during the mid 19th century, and its transition to a summer resort community in the early 20th century.

3. The building has been altered since its construction in 1938 by Mert Rogers. It was expanded to the south, increasing its size by approximately 50 percent, in the 1950s. Windows and doors in the structure have also been moved and replaced in alterations made during the 1970s. Though the building has been altered, it retains historic integrity and is a contributing building in the historic district because it maintains the small scale, roof height, materials and design of its predecessors.

4. The applicant proposes to re-use a portion of the existing building in their construction of a new dwelling. The new dwelling is proposed to be 1-1/2 stories tall, with an upper ridge height of 22.45 feet (with elevation above floodplain). The new building is designed as a primary mass measuring 19 feet by 22 feet, with two smaller ells. One of the ells is the re-used northern portion of the existing building, turned 90 degrees so the gable end faces the water (west). The other ell is located on the southern end of the building, designed to resemble the width and scale of the existing building.

5. The design of the proposed new dwelling meets RPP Minimum Performance Standard 6.1.1. It is consistent with the existing building's architectural style in that it maintains a relatively small scale, and includes simple forms and architectural detailing. By incorporating a portion of the existing building into the design, the new dwelling retains the original building's significant architectural features. By lowering the roof line and narrowing the building width on the south end, the apparent scale of the new dwelling is reduced, consistent with the small scale of the existing building.

6. The Chatham Historical Commission voted to support the proposed design, noting that it preserves part of the historic building, and that it has the appearance of a small structure that has evolved and changed over time. The Historical Commission stated that the proposed project's near completion of the permitting process prior to its listing on the National Register influenced their opinion and thus they do not consider this particular approval to set a precedent. Candace Jenkins, an historic preservation consultant speaking for the Old Village Association, expressed agreement with the Historical Commission. She stated support for the proposed re-use and the revised design of the dwelling, noting the special circumstances involved and the importance of small scale buildings to the overall character of the village. The proposed design is consistent with RPP Performance Standard 6.1.2.

7. The proposed project is consistent with RPP Performance Standard 6.2.2, in that the building height and exterior materials are harmonious with the character of the surrounding area, and that the mass and scale of the building, roof shape, roof pitch and proportions and relationships between doors and windows are consistent with traditional Cape Cod architectural styles.

8. The applicant's property also includes two historic fishing shanties, surviving examples of the small fishing shacks that once lined the shores of Mill Pond but which have largely disappeared. The applicant proposes to place a Preservation Restriction on the two shanties, preserving the buildings in perpetuity, with the Restriction to be held by a local municipal entity or preservation organization. The Restriction will allow for routine maintenance and for relocation of the fishing shanties on the lot, as they have been relocated in the past, but any changes to the exterior of the shanties will require approval by the organization holding the Preservation Restriction. The holder and content of the Preservation Restriction will be subject to approval by the Cape Cod Commission.

9. The applicant has agreed to not allow any further expansion of the proposed new dwelling, in an effort to insure that the structure will always retain a moderately small scale consistent with the surrounding area. This will address the concern that future expansion may be facilitated by sewerage the area or future zoning changes.

10. In an effort to retain as much of the original structure as possible, and to learn about the materials used in its construction, the applicant proposes to carefully dismantle and photo-document the existing building and to catalog and reuse as much historic material as possible. Re-use of the northern portion of the existing building as an ell in the new structure acknowledges that those existing materials that are not historic or are structurally unsound may be replaced with new materials as determined appropriate by the applicant's architect in consultation with Commission staff and Chatham Historical Commission representatives.

11. The proposed building must be raised two feet above the ground due to its location within the floodplain. The applicant has designed the rear deck to step down from the building so that it will not require a fence or railing around it in an attempt to reduce the apparent scale of the structure.

12. Commission staff review of the final design plans (final working drawing) for both the rehabilitation work and the new construction will help to insure their consistency with the approved preliminary plans.

13. Massachusetts Historical Commission stated in a letter dated March 5, 2002 that the proposed demolition of the existing building would adversely impact the character defining features of the historic property which makes it eligible for listing in the National Register of Historic Places. With regard to moving the fishing shanty to another location on the property, MHC staff stated that the proposed move does not appear to negatively impact the historic integrity of the Old Village Historic District.

14. Due to the recent listing of the area as a National Register Historic District, local and state reviews including Zoning Board of Appeals, Board of Health and DEP, were

already completed prior to the project's referral to the Cape Cod Commission. The applicant's proposal to these agencies involved full demolition of the existing historic building, and did not include the lower ridgeline and narrower width on the southern portion of the proposed structure. As such, the project may require additional review by these agencies.

15. The town of Chatham does not yet have a certified Local Comprehensive Plan.

16. The benefits of re-using a portion of the existing historic building in the construction of the new dwelling, of placing a Preservation Restriction on the two historic fishing shanties on the property to insure their long-term preservation, and of photo-documenting the existing structure prior to new construction outweigh the detriment of demolishing much of the existing building and of constructing a slightly larger building consistent with traditional Cape Cod architectural styles.

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 the facts that the project as proposed involves the re-use of a portion of the existing historic building, construction of a new dwelling that is consistent with the character of the surrounding area, and the long-term preservation of two additional historic structures on the property. Findings #3, 4, 5, 6, 7, 8, 9, 10 and 16 support this conclusion.

- 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, per Section 9(g)(ii)(b) of the DRI Enabling Regulations. The proposed project is consistent with the Heritage Preservation/Community Character chapter of the Cape Cod Regional Policy Plan. This conclusion is supported by findings #5, 6 and 7.

- The proposed project may require further review by the Zoning Board of Appeals to be consistent with local development by-laws. This conclusion is supported by finding # 14.

The Commission hereby approves with conditions the application of Robert and Pamela Valleau for the proposed Valleau Historic Dwelling re-use and new construction as a Development of Regional Impact, provided the following conditions are met:

CONDITIONS

GENERAL

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. Routine maintenance work on the historic structures on the property necessary to seal the building envelope from weather or to provide increased structural stability shall not be restricted.

5. The proposed Valleau Dwelling shall be constructed in accordance with final plans approved by Commission staff.

HISTORIC PRESERVATION

6. Prior to submittal of a Building Permit application in the Town of Chatham, the applicant shall submit final site plans and elevation drawings (final working drawings) for approval by Commission staff based on draft plans and elevations prepared by Mangel Architects Inc., dated April 18, 2002, though better reflecting the original roof pitch of the re-used portion of the building. Final plans and elevations shall include details of the proposed re-use of the northern portion of the existing building, as well as all elevations of the proposed new construction to insure consistency with RPP MPS 6.1.1. and 6.1.2.

7. Prior to issuance of a Building Permit from the Town of Chatham, the applicant shall obtain a Certificate of Compliance from the Commission, indicating that Commission staff has reviewed the final plans and found them consistent with RPP MPS 6.1.1 and 6.1.2, and that all other required conditions have been met.

8. Prior to issuance of a Certificate of Compliance, the applicant shall be responsible for providing proof of recording of the decision.

9. Prior to issuance of a Certificate of Compliance, the applicant shall submit a proposal for review and approval by Commission staff describing how the building will be carefully dismantled and photo-documented, with original historic materials to be catalogued and re-used as much as possible in the new structure. The proposal shall provide for Cape Cod Commission staff and Chatham Historical Commission representatives to be involved in decisions about the historic significance of materials and their re-use potential.

10. Prior to issuance of a Certificate of Compliance, the applicant shall place a Preservation Restriction on the two historic fishing shanties on their property, and shall identify an appropriate entity to hold the Restriction. The language of the Restriction shall be reviewed and approved by Commission staff to insure that it serves to protect the character-defining features and historic materials of the two structures.

11. To preserve the character and small scale of the surrounding historic structures, the applicant shall not further expand the proposed structure or enclose the proposed deck area.

The Cape Cod Commission hereby approves with conditions the application of Robert and Pamela Valleau 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 Valleau Historic Dwelling re-use and new construction located in Chatham, MA.

Elizabeth Taylor
Elizabeth Taylor, Chair

May 2, 2002
Date

Commonwealth of Massachusetts

Barnstable, ss.

On this 2nd day of May, 2002, before me personally appeared Elizabeth Taylor, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

Katharine L. Peters
Notary Public
Commonwealth of Massachusetts

My Commission expires:

