



# CAPE COD COMMISSION

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DATE: January 24, 2002

TO: Allen R. Larson, applicant's representative

FROM: Cape Cod Commission

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

APPLICANT: John S. Welsh and Kathryn L. Welsh  
48 Bay Street  
Osterville, MA 02655

PROJECT #: TR20068

PROJECT: Nymphas Hinckley House Alterations, 38 Bay Street, Osterville

BOOK/PAGE: Book 10581, Page 284

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of John S. Welsh and Kathryn L. Welsh 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 Nymphas Hinckley House alterations. The decision is rendered pursuant to a vote of the Commission on January 24, 2002.

### PROJECT DESCRIPTION

The Nymphas Hinckley House, located at 38 Bay Street, Osterville, is listed on both the National Register of Historic Places and the Massachusetts Register of Historic Places. The applicant proposes to renovate the oldest portion of the structure and relocate it approximately 13 feet east on the site, demolish two existing additions and the freestanding garage, and construct a series of new additions with an attached garage to the rear of the building.

The Nymphas Hinckley House was constructed circa 1795 in a traditional full-Cape house form. It is one and a half stories, with a gable roof and central chimney. A small addition was added to the building's west façade in the 1920s, and a long narrow



addition was added to the rear of the building in the 1970s. The character-defining features of the building are its low roof and traditional full-Cape form with small massings and simple architectural detailing. An historic barn on the property was razed in the 1980s and replaced with a modern garage that is not consistent with the historic building. The buildings sit on a 1-acre lot that extends back from Bay Street in a long, narrow strip. Bay Street is a quiet residential street immediately west of the village center, leading to West Bay. The property is significant as a traditional Cape Cod House form, and as the home of several well known shipwrights and boatbuilders, including the Crosby and Hinckley families. It is one of a handful of properties listed on the National Register of Historic Places within the village of Osterville.

### PROCEDURAL HISTORY

The Barnstable Historical Commission considered the proposed project and, at its regularly scheduled meeting of August 7, 2001, unanimously voted to refer the project to the Cape Cod Commission as a DRI, noting that the project proposes demolition of a portion and relocation of the remainder of a dwelling listed on the National and State Registers of Historic Places. Commission staff had been contacted to discuss the project several times prior to this date. The project was referred to the Commission by the Barnstable Town Manager on August 9, 2001. The Commission received the referral on August 9, 2001. The public hearing was opened by a hearing officer on October 4, 2001. Duly noticed public hearings were conducted by the Commission pursuant to Section 5 of the Act by an authorized subcommittee of the Commission on October 25, 2001 in the Assembly of Delegates Chamber, and on December 3, 2001 at the Cape Cod Commission office, Barnstable Village. The public hearing was closed on December 3, 2001 and the record was left open for submission of written materials until January 24, 2002.

The subcommittee held a public meeting after the close of the public hearing to deliberate on this project on December 3, 2001.

At the December 3, 2001 subcommittee meeting, the subcommittee 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 January 24, 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 form and attachments, including a letter from Allen R. Larson to Sarah Korjeff, dated September 18, 2001, received September 20, 2001.
- Building Elevations for Welsh Residence, 38 Bay Street, Osterville, by Abacus Architects and Planners, Plan A2 dated July 5, 2001; Plan A3 dated July 20, 2001; Site Plan L1 and Floor Plan A1, dated July 5, 2001.
- Alternative View Building Elevation A2 (showing garage), dated July 5, 2001.
- Letter from Wilbur E. Yoder, PE, AIA, to Helen Bush Sittler, AIA, re: structural evaluation, dated November 8, 2001.

- Letter from Helen Bush Sittler, AIA, to Sarah Korjeff, dated August 22, 2000, Re: Welsh property.

From Cape Cod Commission staff:

- Letter from Sarah Korjeff to John Welsh, dated August 16, 2001, re: DRI review.
- Letter from Sarah Korjeff to Allen Larson, dated October 4, 2001, re: hearing.
- Memo to subcommittee members, dated October 4, 2001, re: public hearing.
- Staff Report dated October 18, 2001.
- Project Update dated November 29, 2001.
- Memo from Sarah Korjeff to Anne Lattinville, MHC, dated July 11, 2000, re: proposed relocation on site.
- Letter from Sarah Korjeff to Taya Dixon, MHC, dated September 8, 2000, re: proposed relocation project.

From state/local officials:

- Letter from Taya Dixon, MHC, to Sarah Korjeff, dated August 4, 2001 re: proposed project.
- Memo from Barnstable Historical Commission to Sarah Korjeff, dated August 8, 2001, re: vote to refer project for DRI review.
- DRI referral form, signed by John Klimm, Town Manager, dated August 9, 2001.

From the public:

none received

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 October 25, 2001 and December 3, 2001 hearings. At the October 25, 2001 hearing, Allen Larson and Helen Bush Sittler, representing the applicant, explained the proposed project. Nancy Shoemaker, Barnstable Historical Commission, expressed concern regarding the relocation of the historic building. David Allen stated concern about the impact of the relocation and the large additions on the historic house. Carol Allen also noted concern about impacts to the house. Don Attaver questioned the impact of relocating the building. At the December 3, 2001 hearing, Allen Larson and Helen Bush Sittler presented additional information related to the condition of the building and its proposed relocation and renovation.

### JURISDICTION

The proposed Nymphas Hinckley House alterations 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 John S. Welsh and Kathryn L. Welsh for the proposed Nymphas Hinckley House alterations, 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 Nymphas Hinckley House, located at 38 Bay Street in Osterville, is listed on both the National Register of Historic Places and the Massachusetts Register of Historic Places. The property is significant as a traditional Cape Cod house form, and as the home of several well known shipwrights and boatbuilders, including the Crosby and Hinckley families. The character-defining features of the building are its low roof and traditional full-Cape form with small and simple massings.
2. The exterior of the building maintains historic integrity in that its original form has not been significantly changed. It appears that the windows and much of the exterior trim have been replaced in the past, yet have maintained the character of the building. The interior of the building has been substantially altered, including removal and reconstruction of the central chimney.
3. Preliminary plans for the rehabilitation work include preservation of the distinguishing, original qualities of the historic building as required by RPP MPS 6.1.2. The proposed renovation work will preserve the building's key character-defining features, retain original materials where they exist in good condition, and replace missing features where necessary.
4. Preliminary elevations drawings and plans for the new additions are consistent with the historic building's architectural style and do not diminish its historic and architectural significance as required by RPP MPS 6.1.1. The proposed additions are consistent due to their location to the rear of the building, their lower roof height with the exception of the garage portion, their setback from the original building mass, and their compatibility of design features such as windows and architectural trim.
5. Commission staff review of the final design plans for both the rehabilitation work and the new construction will help to insure their consistency with the approved preliminary plans.
6. Construction of a new foundation under the historic building will benefit the historic house by helping to protect the structure from decay, thus aiding in its long-term use and preservation.
7. The proposed relocation of the historic building approximately 13 feet away on the lot can be done safely, as noted by the applicant's structural engineer in a letter dated November 8, 2001. Commission staff review of compliance with suggested bracing and

stabilizing prior to the move will help to insure that the building is protected during the move.

8. The proposed relocation of the building can be done without additional loss of original historic materials since the existing chimney is not original. The placement of the proposed additions to the rear of the building also will not result in the loss of much original material because there is currently an addition to the rear of the historic building.

9. The proposed move does not change the general relationship of the building to the site. Even with the move, the property retains enough integrity to remain on the National Register. Massachusetts Historical Commission staff indicate that the proposed relocation will not remove the building from the National Register of Historic Places.

10. The project is consistent with local development bylaws. It does not require a variance or waiver from setback or lot coverage requirements.

11. The project is consistent with the Barnstable Comprehensive Plan, which calls for preservation of Barnstable's historic structures and encourages compatible reuse when appropriate. The Plan states that historic buildings should be preserved on-site, and that distinguishing original stylistic features of historic or aesthetic significance should be maintained or replaced with similar elements.

12. The benefits of rehabilitation and reuse of an historic structure outweigh the detriment of relocating the structure on the site. The proposed additions to the rear are compatible with the historic building as required by MPS 6.1.1, and the rehabilitation and reuse of the existing historic building is consistent with MPS 6.1.2.

### 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 rehabilitation of an historic building on the National Register of Historic Places and that the proposed relocation of the historic structure will not cause it to be removed from the National Register. Findings # 3, 4, 6, 7, 8, and 9 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 # 3 and 4.

- The proposed project is consistent with the Barnstable Comprehensive Plan. This conclusion is support by finding # 11.
- The proposed project is consistent with local development by-laws. This conclusion is supported by finding # 10.

The Commission hereby approves with conditions the application of John S. Welsh and Kathryn L. Welsh for the proposed Nymphas Hinckley House alterations 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. Maintenance work on the historic house necessary to seal the building envelope from weather or to provide increased structural stability shall not be restricted.
5. The proposed Nymphas Hinckley House alterations shall be constructed in accordance with the final plans approved by Commission staff.

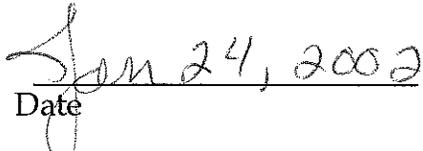
#### HISTORIC PRESERVATION

6. Prior to submittal of a Building Permit application in the Town of Barnstable, the applicant shall submit final site plans and elevation drawings for approval by Commission staff based on draft plans and elevations prepared by Abacus Architects dated July 5, 2001 and July 20, 2001. Final plans and elevations shall include details of the proposed renovation of the exterior of the historic house as well as all elevations of the proposed new additions 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 Barnstable, 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.
8. The applicant shall be responsible for providing proof of recording of the decision prior to issuance of a Certificate of Compliance.
9. Prior to relocation of the historic building on the site, the applicant shall brace and secure the structure as described by the applicant's engineer in his letter of November

8, 2001. Commission staff shall be contacted and given the opportunity to visit the site to insure that such bracing has been completed prior to any relocation.

The Cape Cod Commission hereby approves with conditions the application of John S. Welsh and Kathryn L. Welsh 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 Nymphas Hinckley House alterations located in Barnstable, MA.

  
Elizabeth Taylor, Chair

  
Date

Commonwealth of Massachusetts

Barnstable, ss.

On this 24<sup>th</sup> day of January, 2001, 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.

  
Notary Public  
Commonwealth of Massachusetts

My Commission expires:

