

CAPE COD COMMISSION

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DATE: March 21, 2002

TO: Ralph Crossen, applicant's representative
P.O. Box 43
Hyannisport, MA 02647

FROM: Cape Cod Commission

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

APPLICANT: Robert S. Scalea
120 Irving Avenue
Hyannisport, MA 02647

PROJECT #: TR20081

PROJECT: Captain Leander Hinckley House and Barn Alterations
120 Irving Avenue, Hyannisport

BOOK/PAGE: Book 10575, Page 15

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Robert S. Scalea 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 Captain Leander Hinckley House and Barn Alterations. The decision is rendered pursuant to a vote of the Commission on March 21, 2002.

PROJECT DESCRIPTION

The Captain Leander Hinckley house and barn, located at 120 Irving Avenue, Hyannisport, are listed on both the National Register of Historic Places and the Massachusetts Register of Historic Places. The applicant proposes to relocate an historic barn on the site, moving it approximately 50 feet, changing its orientation, and attaching it to the existing house via a new addition. The applicant also proposes to make alterations to the south and east facades of the house.

The Captain Leander Hinckley house and barn were constructed circa 1825 in the Greek Revival style. The original part of the house is a two-story, gable roof structure located in the southeast corner of the lot and facing Irving Avenue. The house has undergone some alterations over time, including expansion in the late 1800s, changes to the front entry, relocation of several windows on the front façade, and removal of some architectural trim. The barn, located behind the house, has undergone little change. It is roughly 22 feet by 18 feet, and is two stories high with a steeply pitched gable roof. The buildings sit on a half acre lot at the corner of Irving Avenue and Longwood Avenue, roughly in the center of the Hyannis Port Historic District, which was listed on the National Register of Historic Places in 1987.

PROCEDURAL HISTORY

The project was referred to the Commission by the Barnstable Town Manager and Building Commissioner on November 7, 2001. The Commission received the referral on November 8, 2001. The public hearing was opened by a hearing officer on January 3, 2002. A noticed public hearing was conducted by the Commission pursuant to Section 5 of the Act by an authorized subcommittee of the Commission on February 7, 2002 in the Assembly of Delegates Chamber. The public hearing was closed on February 7, 2002 and the record was left open for submission of written materials until March 21, 2002.

The subcommittee held a public meeting after the close of the public hearing to deliberate on this project on March 7, 2002.

At the March 7, 2002 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 March 21, 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 Robert F. Hayden, Jr., dated December 21, 2001, and Historic Inventory form, received December 27, 2001.
- Building Elevations for Robert S. Scalea, 120 Irving, Hyannisport, MA, by Kenneth Sadler Associates, dated August 29, 2001, received December 27, 2001.
- Existing conditions plan C-1 for Robert S. Scalea, 120 Irving Avenue, Hyannis Port, MA, by Bexter, Nye & Holmgren, Inc., dated November 26, 2001.
- Proposed site plan, with hand drawn footprint of addition connecting house and relocated barn, showing distances from property lines. Received December 27, 2001.
- Letter from Thomas J. Marcello, PE, to Ralph Crossen, re: structural inspection, dated February 9, 2002.
- Letter from Stephen O'Neil to Cape Cod Commission, dated February 12, 2002, Re: trim schedule for connector and barn.
- Revised Building Elevations for Robert S. Scalea, 120 Irving, Hyannisport, MA, by Kenneth Sadler Associates, dated August 29, 2001, received February 13, 2002.

From Cape Cod Commission staff:

- Letter from Sarah Korjeff to Ralph Crossen, dated November 15, 2001, re: DRI review.
- Memo to subcommittee members, dated January 15, 2002, re: public hearing.
- Memo from Sarah Korjeff to Ralph Crossen, dated January 24, 2002, re: additional information needed.
- Staff Report dated January 31, 2002.

From state/local officials:

- Letter from Ann M. Lattinville, MHC, to Ralph Crossen, dated January 10, 2002, re: Scalea House and Barn.
- Letter from Brona Simon, MHC, to Ralph Crossen, dated February 20, 2002, re: Scalea House and Barn.
- Letter from Barbara Flinn, Barnstable Historical Commission to Cape Cod Commission, dated January 30, 2002, re: Capt. Leander Hinckley House Alterations.
- DRI referral form, signed by John Klimm, Town Manager, and Peter DiMatteo, Building Commissioner, dated November 7, 2001.

From the public:

- Letter from Elizabeth Mumford Wilson to Cape Cod Commission, dated January 26, 2002, re: support for proposed project.

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 February 7, 2002 hearing. Ralph Crossen and Stephen O'Neil, representing the applicant, explained the proposed project. No members of the general public attended the hearing.

JURISDICTION

The proposed Captain Leander Hinckley House & Barn 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 Robert S. Scalea for the proposed Captain Leander Hinckley House and Barn Alterations, 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 Captain Leander Hinckley House and Barn, located at 120 Irving Avenue in Hyannis Port, are both contributing structures in the Hyannis Port Historic District, listed on the National Register of Historic Places and the Massachusetts Register of Historic Places. The property is significant for its architectural style and its associations with Captain Leander Hinckley, a successful sea captain and salt works owner.
2. The character-defining features of the house are its original massing with gable roof, and its Greek Revival detailing. The character-defining features of the barn are its small massing and steep roof pitch, and the distinctive carriage door and fanlight on the south façade, highlighted with arched dentil mouldings and other architectural trim.
3. The proposed alterations to the house involve adding an arbor over the entry on the front (south) façade, removing a window and installing a new entry door on the east façade, and construction of an addition approximately 18 feet by 18 feet and 1-1/2 stories high to the rear of the original part of the house.
4. The proposed alterations to the barn involve removing the existing 1-story ell on the east side, relocating the barn approximately 50 feet, and attaching it to the proposed new addition. The applicant proposes to move the barn by crane from its existing site to the proposed new location closer to the northeast corner of the house and re-oriented 90 degrees to a west-facing position. In the new location, the rear wall of the barn will be aligned with the east wall of the house and connected by the proposed addition which will be set back two feet from the facade of the house and barn. The applicant also proposes some changes to the windows on the secondary facades of the barn.
5. The proposed alterations to the house and barn will preserve the buildings' distinguishing, original features, as required by RPP MPS 6.1.2. The proposed addition is consistent with the buildings' architectural style, is slightly lower and set back from the original buildings so that the historic structures will remain prominent, and its location to the rear of the house is consistent with traditional patterns of expansion. The proposed alterations do not involve substantial loss of original building materials. As such, they 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.
6. The proposed relocation of the barn will integrate the building into the house and provide for its reuse. Original materials will be retained where they exist in good condition, and missing features will be replaced where necessary. The applicant stated in a letter dated February 12, 2002 that where trim needs to be replaced, it will be hand milled to match the old dimension lumber. All trim requiring replacement will be saved to match on-site milling.
7. Construction of a new foundation under the house and barn will benefit the historic buildings by helping to protect the structures from decay, thus aiding in their long-term use and preservation.

8. The barn is structurally sound for relocation, according to a letter from the applicant's engineer, Thomas J. Marcello, P.E., dated February 9, 2002. The crane relocation will involve the same amount of bracing as if the building were relocated by more traditional methods using skids or skates. The building will be elevated mechanically, and will undergo similar stress whether moved by crane or by skids. Commission staff review of the structure's bracing and stabilization prior to the move will help to insure that the building is protected during the move.
9. The applicant's representative has stated their willingness to provide copies of the contractor's insurance covering the project to the Cape Cod Commission prior to the relocation of the barn.
10. In a letter dated February 20, 2002, Massachusetts Historical Commission staff determined that the proposed work does not appear to negatively affect the historic integrity of the property.
11. While the Barnstable Historical Commission indicated concern about the proposed method of relocation, members of the Commission indicated at the March 7, 2002 subcommittee meeting that their concerns had been addressed.
12. The applicant considered leaving the barn in its existing location and attaching it to the house through a much longer addition. This proposal would have had roughly the same impact on the barn in terms of loss of original materials and would have completely hidden the barn from view.
13. The project is consistent with local development bylaws. It does not require a variance or waiver from setback or lot coverage requirements.
14. 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.
15. The benefits of rehabilitation of the house and reuse of the barn outweigh the detriment of relocating the barn on the site and the minimal loss of historic materials in attaching it to the house. The proposed addition is compatible with the historic buildings as required by MPS 6.1.1, and the rehabilitation and reuse of the barn 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 house and barn on the National Register of

Historic Places and that the proposed relocation of the historic barn will not negatively affect the integrity of the historic property. Findings # 5, 6, 7, 8, 10 and 11 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 # 2, 3, 4, 5, 6 and 15.
- The proposed project is consistent with the Barnstable Comprehensive Plan. This conclusion is supported by finding # 14.
- The proposed project is consistent with local development by-laws. This conclusion is supported by finding # 13.

The Commission hereby approves with conditions the application of Robert S. Scalea for the proposed Captain Leander Hinckley House and Barn 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.

HISTORIC PRESERVATION

5. The proposed Captain Leander Hinckley House and Barn alterations shall be constructed in accordance with the plans dated August 29, 2001 and received January 14, 2002. Any alterations shall be subject to review and approval by Commission staff to insure consistency with RPP MPS 6.1.1. and 6.1.2. Work on the barn shall include preservation of existing materials where those materials are in good condition. Where materials must be replaced, they shall be replaced with like materials and form.

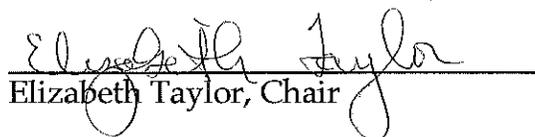
6. Prior to issuance of a Building Permit from the Town of Barnstable, the applicant shall obtain a Certificate of Compliance from the Commission, indicating that Commission staff has reviewed the final plans and found them consistent with RPP MPS 6.1.1 and 6.1.2.

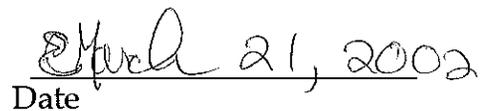
7. Prior to issuance of a Certificate of Compliance, the applicant shall provide copies of the insurance policies held by the project's contractors to show that they are in full force and effect, and are able to cover replacement cost of the barn in part or in whole in the event it is damaged during the work.

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 relocation of the historic barn on the site, the applicant shall brace and secure the structure as necessary to insure its safety during the move. 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 applicant shall provide notice of the relocation to the Commission so that subcommittee members may attend.

The Cape Cod Commission hereby approves with conditions the application of Robert S. Scalea 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 Captain Leander Hinckley House and Barn alterations located in Barnstable, MA.


Elizabeth Taylor, Chair


Date

Commonwealth of Massachusetts

Barnstable, ss.

On this 21st day of March, 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.


Notary Public
Commonwealth of Massachusetts

My Commission expires:

