



CAPE COD COMMISSION

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DATE: November 30, 2006

TO: Michael Ford, Agent/ Architect
P.O. Box 665/72 Main Street
West Harwich, MA 02671

FROM: Cape Cod Commission

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

APPLICANT/OWNER: Dennis and Catherine Berkey
1 Drury Lane
Worcester, MA 01609

PROJECT #: TR06012

PROJECT: Coleman Historic House/756 Main Street, Cotuit, MA

LAND COURT CERTIFICATE: #178279 Lot 6, Land Court Plan 31395-C

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Dennis and Catherine Berkey for a Development of Regional Impact (DRI) pursuant to Sections 12 & 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended for the proposed substantial alteration and additions to the residence at 756 Main Street, Cotuit. The decision is rendered pursuant to a vote of the Commission on November 30, 2006.

PROJECT DESCRIPTION

The Coleman House property, located at 756 Main Street, Cotuit, is a two story wood frame building on approximately 1.73 acres of land with a view over Cotuit harbor. The building has been modified and expanded numerous times since its original construction circa 1826. It is located within the Cotuit Historic District and is listed as a contributing property on the State and National Registers of Historic Places. The applicant proposes to demolish portions of the existing building, relocate the remaining portions of the structure further south on the site, and construct new additions.



PROCEDURAL HISTORY

The project was referred to the Cape Cod Commission by the Barnstable Town Manager on May 5, 2006 pursuant to Section 3(a) of the Cape Cod Commission DRI Enabling Regulations, Barnstable County Ordinance 90-12, as amended. The Barnstable Historical Commission reviewed the proposed project at their April 18, 2006 meeting and determined that the proposed work constitutes a "substantial alteration" to the historic structure.

The public hearing was opened by a hearing officer on July 5, 2006. No presentations were made, no testimony was taken, and no substantive action was taken regarding the project. 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 November 16, 2006 at Freedom Hall in Cotuit.

At the November 16, 2006 public hearing, the subcommittee voted 3 to 2 to recommend to the full Commission that the proposed project be approved with conditions, including a stipulation that the original roof height of the historic portions of the structure be retained. The two members voting in opposition were in favor of the project, but supported the new raised ridge line. The public hearing was continued to the full Commission meeting on November 30, 2006. At this hearing, the full Commission voted _____ to approve the project as a DRI, subject to conditions.

Materials submitted for the record

From the applicant:

- DRI application, including proposed plans and elevation drawings by Gordon Clark, Northside Design Associates, dated 9/7/06, existing conditions plans dated 10/25/05, and an outline of the construction protocol from Jack Delaney, J.J. Delaney Inc., all received October 18, 2006.
- Revised architectural elevations and framing plans by Gordon Clark, Northside Design Associates, dated 11/7/06, color photographs showing the existing building exterior and interior roof framing, received November 7, 2006.

From Cape Cod Commission staff:

- DRI referral notification letter, dated May 16, 2006.
- DRI subcommittee notice, dated November 2, 2006.
- Staff Report, dated November 7, 2006.
- Minutes of November 16th public hearing.

From state/local officials:

- DRI referral form, dated May 5, 2006, received May 8, 2006.
- Letters from Barnstable Historical Commission dated June 21, 2006 (two separate letters) re: design concerns, and September 19, 2006 re: support for the proposed revised project.

From the public:

- Email correspondence from James and Anelia Adams re: concern about loss of water views, received November 7, 2006.

- Email correspondence from Barry Neagle, Historical Society of Santuit and Cotuit, re: concerns about design, received May 12, 2006.
- Email correspondence from James Gould, Historian, re: concerns about the proposal's impact on Cotuit's historic district, dated May 10, 2006, received May 12, 2006.

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 November 16, 2006 hearing. Michael Ford presented the project and stated that the proposal will retain the most historically significant features of the structure. Gordon Clark, Northside Design Associates, described the proposed project plans. He noted that many of the original design features have been altered, so he looked at the "twin" house also in Cotuit to obtain design elements for the proposed renovations to the Coleman House. Mr. Ford stated that the applicant worked with the Barnstable Historical Commission, which submitted a letter of support for the project. Sarah Korjeff, Commission staff, presented the staff report, describing the history of the Coleman House and the proposed project's consistency with Regional Policy Plan Minimum Performance Standards. She noted that the original roof height of one of the historically significant portions of the house is proposed to be changed and recommended that the original roof form be retained in the new design. James Adams, abutter, spoke in favor of historic preservation and stated concern about the large scale of the proposed project and its impact on his views and on the character of the neighborhood. Jessica Grasseti, Barnstable Historical Commission, stated that she grew up in the "twin" house that was discussed, and noted that Cotuit does not have a local historic district. She stated that the Barnstable Historical Commission worked with the applicant on the final design and that they incorporated many of the board's suggestions.

JURISDICTION

The proposed Coleman House/756 Main Street, Cotuit, MA, project qualified 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 Dennis and Catherine Berkey for the proposed substantial alteration and additions to the house at 756 Main Street, Cotuit, 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 & 13 of the Act:

1. The residence at 756 Main Street, Cotuit, MA, is a contributing property in the Cotuit National Register Historic District. Because it is a contributing part of the historic district, it is listed on both the National Register of Historic Places and the State Register of Historic Places. The structure is not individually listed on the National Register.
2. The Coleman House is a two story building of approximately 4,500 square feet, located on 1.73 acres of land overlooking Cotuit Harbor. The building has been modified and expanded numerous times since its original construction circa 1826. Using both historical documents and structural information, the original building is believed to be the two story Federal style, hip-roofed structure oriented toward Cotuit Harbor. The original building had four bays across the front, and two bays on the side. A large gable-roofed ell was later added to the rear of the original building, stretching toward Main Street. Sometime after 1852, when the property was bought for use as a summer residence, the building was expanded with several new additions, bay windows, and other changes. The property was remodeled again in the 1950s, removing some of the late 1800s alterations and constructing new additions in their place. Presumably, this was when the corner main entry, the enclosed sun porch, and the carport were added. At this time, the house was also connected to an existing two story workshop on the site. The workshop is believed to have been constructed in the mid 1800s.
3. The project is located within the Cotuit Historic District, which was listed on the National Register of Historic Places in 1987. The district includes approximately 90 contributing properties and encompasses approximately 95 acres along Main Street and Cotuit Bay. The majority of the district's development occurred during the mid 19th century, as successful maritime industries such as shipbuilding, salt making and shipping fueled its growth. The district also experienced growth during the late 19th century and early 20th century as its long coastline became a popular location for summer resort development.
4. Due to the numerous alterations the Coleman House has undergone, many of the character-defining features of the original structure have been lost. The details of the original hip-roofed building have been hidden by a large sun porch constructed over the original front facade, changes in the window pattern, and a southern extension to the hip roof. The height and massing of the original structure and the primary gable-roofed addition are still recognizable.
5. Commission staff worked with the applicant to identify the remaining significant historic features of the property. The two story hip-roofed portion of the building, the two story gable-roofed ell that forms that center of the house, and the two story gable-roofed workshop attached to the northwest corner of the building were all found to be historically significant.

6. RPP Minimum Performance Standard 6.1.1 requires preservation of an historic structure's key character-defining features. It further states that removal or alteration of distinguishing original stylistic features... shall be prohibited unless the Commission determines that such removal or alteration will not have a significant negative impact on the integrity of the historic property, surrounding historic district, or otherwise distinctive neighborhood. The proposed project generally maintains the three parts of the building that were found to be historically significant, though all are altered somewhat in the proposed new design.

7. RPP Minimum Performance Standard 6.1.1 also states that additions and alterations to historic structures shall be consistent with the building's architectural style and shall not diminish its historic and architectural significance. The applicant proposes to raise the roof height of the gable-roofed ell so that it matches the height of the hip-roofed portion of the building. While the original roof structure would be retained within the framing of the new roof, it would not be apparent from the exterior. In order to best preserve the historic and architectural significance of the building and to maintain the scale of the surrounding historic district, the applicant should retain the existing roof height of the gable-roofed portion of the building.

8. RPP Development Review Policy 6.1.4 states that "historic buildings that may be slated for demolition or relocation should be preserved on site and reused or incorporated into the overall design of the project...." Relocation of a building is generally not desirable, but given that the Coleman House has been significantly altered in the past, and given that the proposed relocation will retain the remaining historically significant features of the building, the relocation will not significantly reduce the building's historic and architectural integrity. The applicant provided a construction protocol that provides for bracing and protection of the historically significant portions of the building during relocation. Structural framing and sheathing boards from the historic portions of the building will be retained and integrated into the new construction.

9. The Barnstable Historical Commission expressed concern about earlier versions of the design plans in letters dated June 21, 2006, focusing on preserving the pedestrian orientation to Main Street, reducing the project scale and retaining water views by lengthening the open breezeway between the garage and the house, limiting the height and scale of the building when viewed from the water, and addressing the access to the workshop. In their letter of September 19, 2006, the Barnstable Historical Commission stated their support for the plans dated 8/30/06, noting that the revisions addressed their prior concerns.

10. In its letter of September 19, 2006, the Barnstable Historical Commission addressed the impact of the building when viewed from Cotuit Harbor. The letter states that "the appearance of the height and mass of the building as seen from the water has been reduced together with a reduction in the height and extent of stone retaining walls. The plan revisions at the rear of the building have significantly reduced the amount of grading required, and thus maintain the existing gentle slope of the land from the waters edge to the proposed building site. The reduction in grading and stone retaining walls has also had the effect of reducing the mass and scale of the garage...." In order to protect the character of the historic district as viewed from the harbor and to keep

the proposed building in scale with other buildings in the historic district, the extent of grading and stone retaining walls should be limited as much as possible.

11. In its letters dated June 21, 2006 and September 19, 2006, the Barnstable Historical Commission addressed the design significance of the proposed breezeway. They stated that "the separation of the garage by an open breezeway with added length retains the view to the water through the arches, and serves to separate the two buildings, thus reducing the impact of the mass of the building." In order to maintain water views in the historic district and help to reduce the large massing of the buildings consistent with the character of the historic district, this breezeway should remain open and unenclosed.

12. The proposed project located within the RF single family zoning district. The proposed structure is consistent with local zoning, according to conversations with staff of the Barnstable Growth Management Department.

13. The proposed project is consistent with the Barnstable Local Comprehensive Plan, as evidenced by support from the Barnstable Historical Commission.

14. The proposed project is not located within a District of Critical Planning Concern.

CONCLUSION

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

The probable benefits of the proposed project outweigh the probable detriments resulting from the development. This conclusion is supported by the facts that the three historically significant portions of the existing building listed on the National Register of Historic Places will be preserved and integrated into the new design, and relocating the building on site will not have a significant negative impact on the integrity of the building or of the Cotuit Historic District since the existing building has been altered numerous times and many of the original character-defining features have been removed. Findings # 6-8 support this conclusion.

- The project only trips the DRI threshold relating to demolition or substantial alteration of historic properties, and is 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 Heritage Preservation/Community Character chapter of the Cape Cod Regional Policy Plan. This conclusion is supported by findings # 6-8.

- The proposed project is consistent with the Barnstable Comprehensive Plan. This conclusion is supported by finding #13.

- The proposed project is in compliance with local development by-laws. This conclusion is supported by finding #12.

- The proposed project is not located within a District of Critical Planning Concern. This conclusion is supported by finding #14.

The Commission hereby approves with conditions the application of Dennis and Catherine Berkey for the proposed substantial alteration and addition to the residence at 756 Main Street, Cotuit 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 necessary 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 proposed new dwelling shall be constructed in accordance with those plans approved by the Commission, entitled "Proposed Site Plan" for 756 Main Street, Cotuit, MA by Baxter Nye Engineering and Surveying, dated 10/16/06, and "Proposed Addition for Berkey Residence, 756 Main Street, Cotuit, MA," by Gordon Clark, Northside Design Associates, dated 11/7/06 and revised to retain the original height of the gable roof portion of the building, with final plans to be approved by Commission staff.

HISTORIC PRESERVATION

6. Certificate of Compliance. Prior to issuance of a Building Permit from the Town of Barnstable, the applicant shall obtain a Certificate of Compliance from the Cape Cod Commission, indicating that Commission staff has reviewed the final revised plans and found them consistent with RPP performance standards, and that all other required conditions have been met.
7. Submit Revised Plans. Prior to submittal of a Building Permit application (for demolition or new construction) to the town of Barnstable or requesting a Certificate of Compliance from the Cape Cod Commission, the applicant shall provide revised plans reflecting the change in height of the gable roof section of the house to retain the original roof height. The revised plans shall be submitted to Commission staff for review for consistency with this decision and with the Regional Policy Plan.
8. Preserve Structural Framing. Relocation of the building shall follow the construction protocol submitted by the applicant, which provides for bracing and protection of the historically significant portions of the building. Structural framing and sheathing

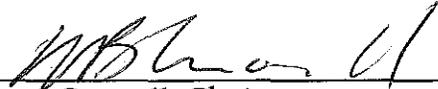
boards from the historic portions of the building shall be preserved in the new construction.

9. Limit Grading on Site. In order to limit the scale and massing of the new construction when viewed from Cotuit Harbor, grading on site shall not exceed that shown on the Proposed Site Plan prepared for 756 Main Street, Cotuit, MA by Baxter Nye Engineering and Surveying, dated 10/16/06.

10. Retain Open Breezeway. The proposed breezeway shall remain open to separate the large building massings and to retain water views from the Cotuit Historic District. Any proposed enclosure would require support from the Barnstable Historical Commission and a modification to this decision.

11. Record Decision. Prior to submittal of a Building Permit application to the town of Barnstable or requesting a Certificate of Compliance from the Cape Cod Commission, the applicant shall be responsible for providing proof of recording of the decision.

The Cape Cod Commission hereby approves with conditions the application of Dennis and Catherine Berkey pursuant to Sections 12 & 13 of the Act, c. 716 of the Acts of 1989, as amended, for the proposed substantial alteration and addition to the residence at 756 Main Street, Cotuit, MA.


WBC Brad Crowell, Chair
W. BRADFORD CROWELL

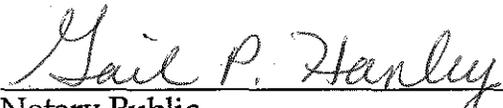
11-30-06
Date

Commonwealth of Massachusetts

Barnstable, ss.

11/30, 2006

Before me, the undersigned notary public, personally appeared W. Bradford Crowell in his/her capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, or personal knowledge of the undersigned.


Notary Public
My Commission expires: 10/13/11