



CAPE COD COMMISSION

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Date: April 28, 2009

To: Michael D. Ford, Esquire
72 Main Street
P.O. Box 485
West Harwich, MA 02671

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact Decision

Applicant: Sylvia Habib
Central Park North Family Limited Partnership
62 West 62nd Street, #19B
New York, NY 10023

Project: Habib Historic Residence
43 Holway Street
Chatham, MA 02633

Project #: TR-06008

Book/Page: Book 19490 Page 48

Background

The above referenced project, the Habib Historic Residence, was approved as a Development of Regional Impact (DRI), with conditions, by a vote of the Cape Cod Commission (Commission) on July 13, 2006.

In a letter with attachments received by the Commission on March 30, 2009, Attorney Michael D. Ford, representing Sylvia Habib/Central Park North Family Limited Partnership, requests that the Commission grant a Minor Modification Type 1 to the July 13, 2006 DRI decision as a result of more restrictive conditions imposed on the project by the Chatham Zoning Board of Appeals (ZBA). In the March 30, 2009 letter, Attorney Ford states that as a result of the ZBAs further review of the proposed project, which occurred after the Commission had issued its DRI decision, the "*design of the house...is considerably smaller than the design approved by the...Commission...*" Attorney Ford's letter also provides revised plans and correspondence



from the Chatham ZBA concerning its determination on changes to the Habib Historic Residence project. This information indicates that modifications to the exterior of the house have been minimized. The original 1,000 square foot addition, as reviewed by the Commission, has been reduced to 500 square feet. Also, a widow's walk approved by the Commission has been eliminated, while the architectural trim and materials have been retained.

Determination

The Executive Director of the Cape Cod Commission has determined that the requested revisions to the conditions of the original decision to accommodate the project changes as stipulated by the Chatham Zoning Board of Appeals constitute *de minimus* changes and are approved as Type 1 Minor Modifications. The following changes shall be made to the findings and conditions of the original July 13, 2006 Habib Historic Residence DRI decision:

Changes to Findings

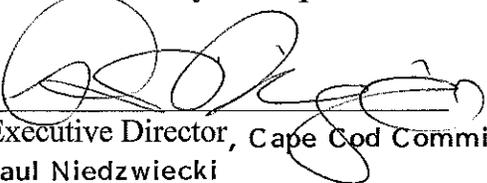
5. The proposed new addition is consistent with the historic building's architectural style in terms of roof shape and materials, and does not diminish the historic and architectural significance of the original building as required by RPP MPS 6.1.1. The proposed addition is consistent due to its location to the rear of the historic building, the fact that its roof height does not exceed the historic structure's roof height, and its façade setbacks that separate and distinguish the original building mass from the new building mass. ~~The proposed tower is designed so that only the upper windows extend above the ridgeline of the historic building, and the tower has been located to the rear of the addition where it will have the least impact on the historic structure.~~

9. The Massachusetts Historical Commission (MHC) reviewed the original plans submitted to the Cape Cod Commission for review and, in a letter dated June 21, 2006, stated that the size and scale of the proposed addition, in particular the tower element, overwhelms the historic structure due to the additional height. MHC recommended a reduction in the height in order to bring the addition into a scale that is more in keeping with the modest massing of the traditional Greek Revival style house. The applicant's current plans show a reduction in the tower's height by approximately 2 ½ feet, as well as a reduction in the height of the dining room addition, and thereby appear to address the concern raised by MHC. MHC also noted that the existing rear additions are not historically significant and therefore their removal is not of concern to the character of the historic district.

Changes to Conditions

5. The proposed new dwelling shall be constructed in accordance with those plans approved by the Commission, **Chatham Zoning Board of Appeals entitled "Additions and Renovations to the Central Park North LP 43 Holway Street, Chatham, MA 02633" "Habib Residence, 43 Holway Street, Chatham, MA," including both existing conditions floor plans and elevations and proposed condition floor plans and elevations, Sheets EX1.0, EX2.0, EX2.1, A1.0, A1.1, A2.0, and A2.1, by Polhemus Savery DaSilva, dated March 20, 2006, revised June 20, 2006, June 28, 2005 and October 17, 2008, or as modified and approved in writing by the Chatham ZBA and Cape Cod Commission staff.**

8. Prior to submittal of a Building Permit application to the Town of Chatham or requesting a Certificate of Compliance from the Cape Cod Commission, the applicant shall be responsible for providing to the Commission proof of recording of the **July 13, 2006 Commission DRI decision and any subsequent modification decisions issued by the Commission.**


Executive Director, Cape Cod Commission
Paul Niedzwiecki

4/28/09
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

4/28, 2009

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki in his capacity as Executive Director of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he 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.

Gail P. Hanley
Notary Public

My Commission expires:
10/13/11