



CAPE COD COMMISSION

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E-mail: frontdesk@capecodcommission.org

DATE: February 5, 2009

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

FROM: Cape Cod Commission

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

APPLICANT: Jon R. Duane and Catherine J. Friedman, Tr.
c/o Michael D. Ford, Esquire
72 Main Street, P.O. Box 485
West Harwich, MA 02671

PROJECT #: TR08011

PROJECT: Duane Historic Residence, 68 Dale Avenue, Hyannisport, MA

BOOK/PAGE: Book 339/Page 46

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Jon R. Duane and Catherine J. Friedman 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 alteration and expansion of the historic residence at 68 Dale Avenue, Hyannisport, MA. The decision is rendered pursuant to a vote of the Commission on February 5, 2009.

PROJECT DESCRIPTION

The Duane Historic Residence, located at 68 Dale Avenue in Hyannisport, is a two-story wood frame building composed of three separate structures brought to the site circa 1875 and joined together to form the Bella Vista Annex. The site is approximately 15,000 square feet of land within the Hyannisport National Register Historic District, and the building is listed as a contributing property on the State and National Registers of Historic Places. The applicant proposes to reconstruct the middle section of the



building with a wider footprint and higher roofline, replace and rebuild most of the existing porch with two small decks on the second level, and construction a new addition and garage on the north side of the property.

PROCEDURAL HISTORY

The project was referred to the Cape Cod Commission by the Barnstable Town Manager on June 14, 2008 under Section 3(a) of the Cape Cod Commission DRI Enabling Regulations, Barnstable County Ordinance 90-12, as amended.

A duly noticed public hearing was opened by a hearing officer on August 14, 2008. 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 6, 2008 in the Barnstable School Administration Building on South Street in Hyannis. The applicant and the subcommittee chair signed an extension agreement on December 1, 2008, extending the Commission's decision time to February 6, 2009. The public hearing and record were closed on February 5, 2009.

A duly noticed subcommittee meeting was held on November 18, 2008, at the Cape Cod Commission Library. At a subcommittee meeting held on December 16, 2008 at the Barnstable Superior Court House, the subcommittee voted 4 to 0 to recommend to the full Commission that the proposed alterations and addition be approved with conditions. At the February 2, 2009 subcommittee meeting, the subcommittee voted 4 to 0 to transmit the draft decision to the full Commission. At the February 5, 2009 full Commission meeting, the Commission voted 10 in favor and 5 opposed to approve the project as a DRI, subject to conditions.

Materials submitted for the record

From the applicant:

- DRI application, with photographs, building elevations by Gordon Clark, Northside Design Associates, dated 5-29-08, and site plan by Down Cape Engineering, dated September 30, 2008, received October 7, 2008.
- Revised building elevations and site plan for Duane Residence, showing change in second story deck railing and garage addition, dated 5-29-08 and stamped Nov 13, 2008, received November 13, 2008.
- Revised building elevations and site plan for Duane Residence, showing window dimensions on elevations, dated 5-29-08 and stamped Nov 18, 2008, received November 18, 2008.
- Revised building elevations and site plan for Duane Residence, showing smaller garage addition and reduced second story deck, dated 5-29-08 and stamped Dec 04, 2008, received December 4, 2008.
- Revised building elevations for Duane Residence, showing changes to the south porch, window measurements, and other notes, dated 5-29-08 and stamped February 2, 2009, received January 28, 2009.

From Cape Cod Commission staff:

- DRI referral notification letter, dated June 19, 2008.

- Staff Report, dated October 30, 2008.
- Minutes of November 6, 2008 public hearing, November 18, 2008 subcommittee meeting, and December 16, 2008 subcommittee meeting.
- Extension Agreement between Michael D. Ford and Royden Richardson, subcommittee chair, dated December 1, 2008.

From state/local officials:

- DRI referral form and supporting documents, dated June 14, 2008, including photographs and historic inventory form, received June 17, 2008.
- Letter from Nancy Clark, Barnstable Historical Commission, to Cape Cod Commission, re: referral of 68 Dale Avenue Hyannisport, with attached building history and review of proposed plans, dated October 29, 2008, received November 3, 2008.
- Letter from Nancy Clark, Barnstable Historical Commission, to Royden Richardson, re: issues of concern in 68 Dale Avenue Hyannisport, dated November 17, 2008.
- Letter from Nancy Clark, Barnstable Historical Commission, to Royden Richardson, re: continuing concerns about 68 Dale Avenue Hyannisport, dated December 8, 2008, received December 10, 2008.
- Letter from Nancy Clark and Barbara Flinn, Barnstable Historical Commission, to John D. Harris, re: concern about 68 Dale Avenue plans, dated January 26, 2009.
- Email from Jackie Etsten to Sarah Korjeff, re: Dale Avenue plans, dated 2-2-09.

From the public:

- Letter from Bruce P. Gilmore, attorney for Henry and Margaret Erbe, abutters, to Sarah Korjeff, re: support for most recent plans for 68 Irving Avenue, dated December 3, 2008.
- Letter from Leonard C. Gobeil, Barnstable Historical Commission, re: opposition to plans for 68 Dale Avenue, received December 16, 2008.

The application and notices of public hearings relative thereto, 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 6, 2008 hearing and at the November 18th, December 16th and February 2, 2009 subcommittee meetings. At the November 6th hearing, Jim Stinson, representing the applicant, introduced the project and Gordon Clark, project architect, described the proposed plans. He noted changes to the proposed garage and connecting ell, and discussed the reasons for a new foundation. Mr. Clark also discussed the square footage of the proposed plans. Sarah Korjeff, Commission staff, presented the staff report. George Jessop, Barnstable Historical Commission, questioned the square footage measurements and the need for new framing above the foundation. Jessica Rapp Grassetti, Barnstable Historical Commission, questioned the scale of the chimney and stated support for removing the second floor of the connecting ell and much of the balcony. She also stated she would like to see the building kept white. Nancy Clark, Barnstable Historical Commission, noted the significance of the porch and questioned the square footage data. Barbara

Flinn, Barnstable Historical Commission, noted the importance of including window measurements on the proposed plans. Bruce Gilmore, attorney for the Erbes, abutters, noted the significance of the building and stated concern about the proposed balcony and the two-car garage. Bruce McPherson, of Dale Avenue, requested that no construction work be done in July and August, and stated his concern about the proposed balcony and garage. Robert and Pat Trebisoni, of Irving Avenue, stated this is the most unique property in the area and suggested that as much as possible be kept as it is.

At the November 18th subcommittee meeting, Mike Ford, attorney for the applicant, described the various meetings with staff and the Historical Commission and noted that the new plans try to address the subcommittee's concerns voiced at the hearing. He also reviewed the square footage of the proposed building, noting that the proposed increase is approximately 1,800 square feet, and stated they hope to begin work on the project next fall, avoiding the summer months. Gordon Clark, project architect, described new plans dated November 18, 2008, noting changes to the garage, connecting ell, window dimensions, balcony railing, and chimney. Nancy Clark, Barnstable Historical Commission, asked that the character-defining features of the existing porch be retained. Barbara Flinn, Barnstable Historical Commission, suggested changing the orientation of the garage.

At the December 16th subcommittee meeting, Mike Ford, attorney for the applicant, summarized changes to the plans and stated his belief that it now meets the standards. Gordon Clark, project architect, described the plans stamped December 4, 2008, noting changes in the porch posts and porch configuration, the balcony, and the connecting ell. Len Gobeil, Barnstable Historical Commission, stated the proposed plans do not fit the character of the neighborhood. Jessica Rapp Grassetti, Barnstable Historical Commission, stated concern about the porch on the south corner of the building and noted the need for full-size plans. Jackie Etsten, Barnstable Growth Management Department, stated concern about changes to the center section of the building and to the porch. Marilyn Fifield, Barnstable Historical Commission, questioned whether the windows would be replaced. Mr. Clark clarified that only window sash would be replaced.

At the February 2, 2009 subcommittee meeting, Nancy Clark, Barnstable Historical Commission, expressed concern about changes to the historic structure and inaccurate measurements of existing window sills.

JURISDICTION

The proposed Duane Historic Residence/68 Dale Avenue, Hyannisport, 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 Jon R. Duane and Catherine J. Friedman for the proposed alteration and expansion of an historic residence at 68 Dale Avenue, Hyannisport, 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 68 Dale Avenue, Hyannisport, MA, is a contributing property in the Hyannisport 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.
2. The project is located within the Hyannisport Historic District, which was listed on the National Register of Historic Places in 1987. The district includes approximately 150 contributing properties related primarily to Hyannis' summer resort development in the late 19th and early 20th centuries. The district encompasses approximately 100 acres stretching from Hyannis Harbor and Ocean Avenue on the east side to the Hyannis Golf Course and Centerville Harbor on the west. The project is surrounded by other historic structures that contribute to the historic district, and is across the street from the Kennedy Compound, which is listed as a National Historic Landmark.
3. The Duane Historic Residence is unique in its combination of architectural styles, and is believed to be composed of three separate historic structures brought to the site circa 1875 and joined together to form an Annex to the adjacent Bella Vista Hotel. The largest portion of the structure, which is the southern block closest to the water, is thought to have been moved to the site from Centerville and appears to date from the mid 1800s. The center portion of the structure is believed to have been a two-story store previously located on Irving Avenue and dated circa 1862. The northernmost portion of the structure, a small gothic revival cottage, is thought to have been moved from Martha's Vineyard, and is likely circa 1860. The northernmost and center sections of the building were sited on the property first. All three structures were modified somewhat when they were linked together on the site, and a wrap-around porch was added to the entire east façade.
4. The proposed alterations and expansion will preserve the building's key character-defining features as required by RPP MPS 6.1.1, namely the gothic revival cottage, the unique south façade and windows of the southern block of the structure, and its characteristic three separate building massings and thus will not have a significant negative impact on the overall historic integrity of the building. The proposed changes to the historic structure primarily impact the center section of the building, which will increase in height by 2 feet and in width by 6 feet, still within the range of the existing building size. The increased width of the center section will require one window in the gothic cottage to be relocated, and will eliminate a 6-foot wide portion of the side walls of the gothic cottage and of the southern block of the structure. The porch around the existing gothic cottage will be retained in its original configuration. The proposed expansion of the existing porch around the center and southern section of the building

is in keeping with the scale of the existing porch, and the proposed balconies are limited in size and located only above new sections of the porch. There was consensus that the white painted exterior of the existing building is a defining feature and that it should be retained.

5. As stated in the September 25, 2008 letter from E.J. Jaxtimer, the applicant's builder, character-defining windows and architectural trim will be retained throughout the building, and will be restored and repaired only as needed. Duplication of deteriorated details will be copied dimensionally and with like materials. These actions are consistent with the Secretary of the Interior's Standards for Treatment of Historic Structures.

6. The proposed garage 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 limited connection to the historic structure, the fact that its roof height is lower than the majority of the historic structure's roof height, and the addition's façade is set well back from the front porch and front façade of the gothic cottage.

7. The Barnstable Historical Commission stated concern about the proposed plans in their letters of October 29, 2008, November 17, 2008, December 8, 2008, and January 26, 2009, particularly focusing on changes to the porch and center section of the structure, and the scale of the proposed garage addition.

8. To ensure that character defining features of the structure will be preserved, the Cape Cod Commission will require a final set of building elevations and plans to be reviewed by Commission staff. Such final plans will have to be full size, include existing window dimensions and architectural details, reflect moving the porch on the southern corner of the structure away from existing window trim, show where existing historic building walls and roof materials will be replaced and where they will be retained in the proposed project, indicate the exterior siding will stay painted white, and confirm that the structure will be raised only 6 to 12 inches above its existing height on the new foundation.

9. According to the Barnstable Growth Management Department, the project is consistent with local zoning requirements and will not require approval from the Barnstable Zoning Board of Appeals.

10. The project is consistent with preservation goals cited in the town of Barnstable's certified Local Comprehensive Plan (1998).

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

12. The benefits of the proposed project outweigh the detriments resulting from the development. This is supported by the facts that the project as proposed involves the alteration and expansion of an historic building on the National Register of Historic Places and that said alterations will preserve the key character-defining features of the building and will not diminish its historic and architectural significance. Findings #4 through 6 support this conclusion.

13. 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 # 4, 6 and 8.

CONCLUSION

The Commission hereby approves with conditions the application of Jon R. Duane and Catherine J. Friedman for the proposed alteration and expansion of the historic residence at 68 Dale Avenue, Hyannisport, MA as a Development of Regional Impact, provided the following conditions are met:

CONDITIONS

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 "Duane Residence option 'B', 68 Dale Avenue, Hyannisport, MA," by Northside Design Associates, dated 5/29/08, stamped revised February 2, 2009, a copy of which are appended to this decision as Exhibit A.
6. Prior to submittal of a Building Permit application in the Town of Barnstable, the applicant shall submit final site plans and elevation drawings to Commission staff and to the Barnstable Historical Commission to confirm that they are consistent with those plans approved by the Cape Cod Commission. Final plans and elevations shall be full size, shall include dimensions of existing windows, window sills and architectural details to the satisfaction of Commission staff, who will field verify the measurements, shall reflect moving the porch on the southern corner of the structure away from existing window trim, and shall indicate where historic building walls and roof materials will be replaced and where they will be retained in the proposed project. Said plans shall also indicate that the exterior siding will be painted white, and shall confirm that the structure will be raised only 6 to 12 inches above its existing height on the new foundation.

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 performance standards, and that all other required conditions have been met.

The Cape Cod Commission hereby approves with conditions the application of Jon R. Duane and Catherine J. Friedman pursuant to Sections 12 & 13 of the Act, c. 716 of the Acts of 1989, as amended, for the proposed alteration and expansion of the historic residence at 68 Dale Avenue, Hyannisport, MA.

John D. Harris, Chair

5 Feb 2009
Date

COMMONWEALTH OF MASSACHUSETTS

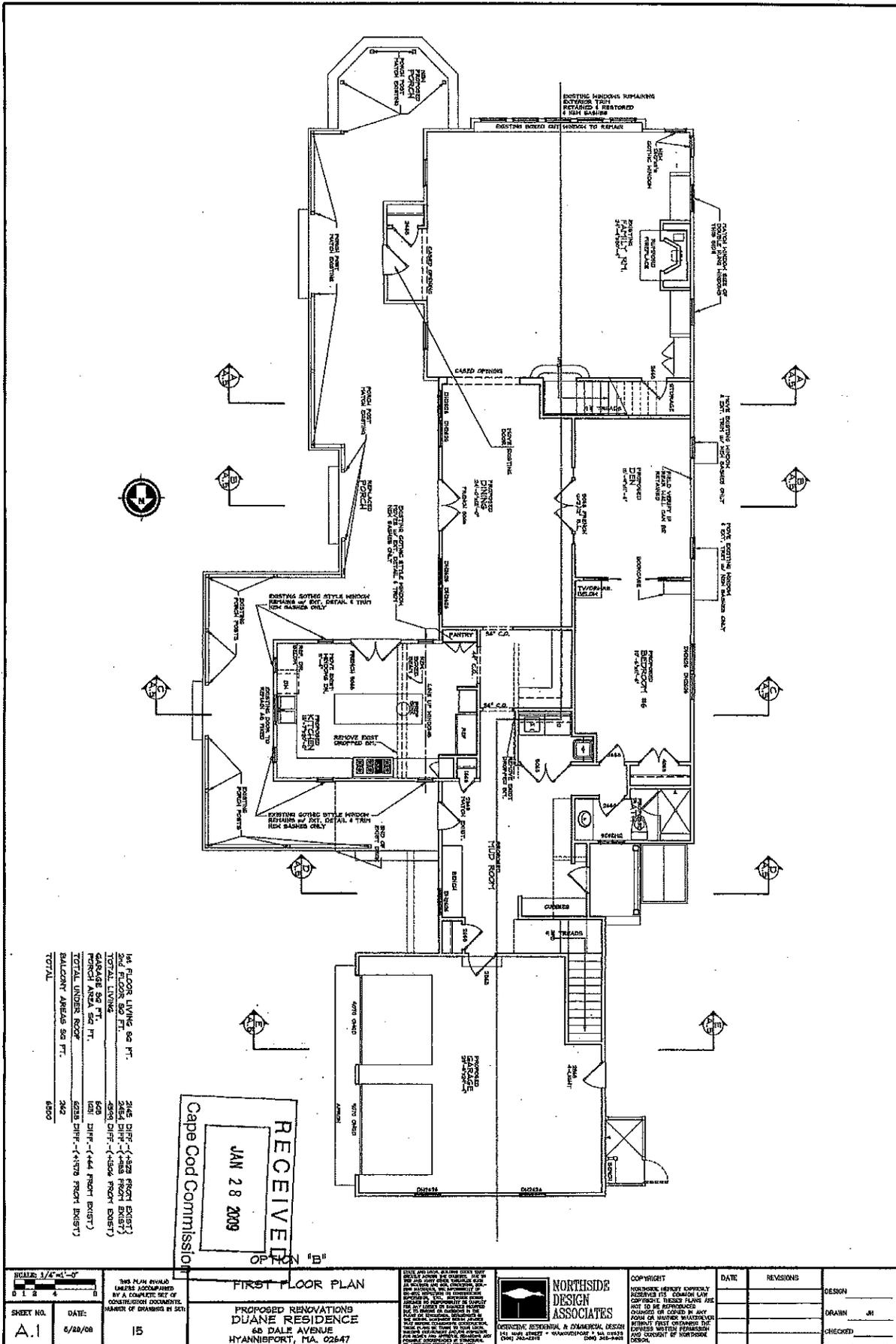
Barnstable, ss

Feb 5, 2009

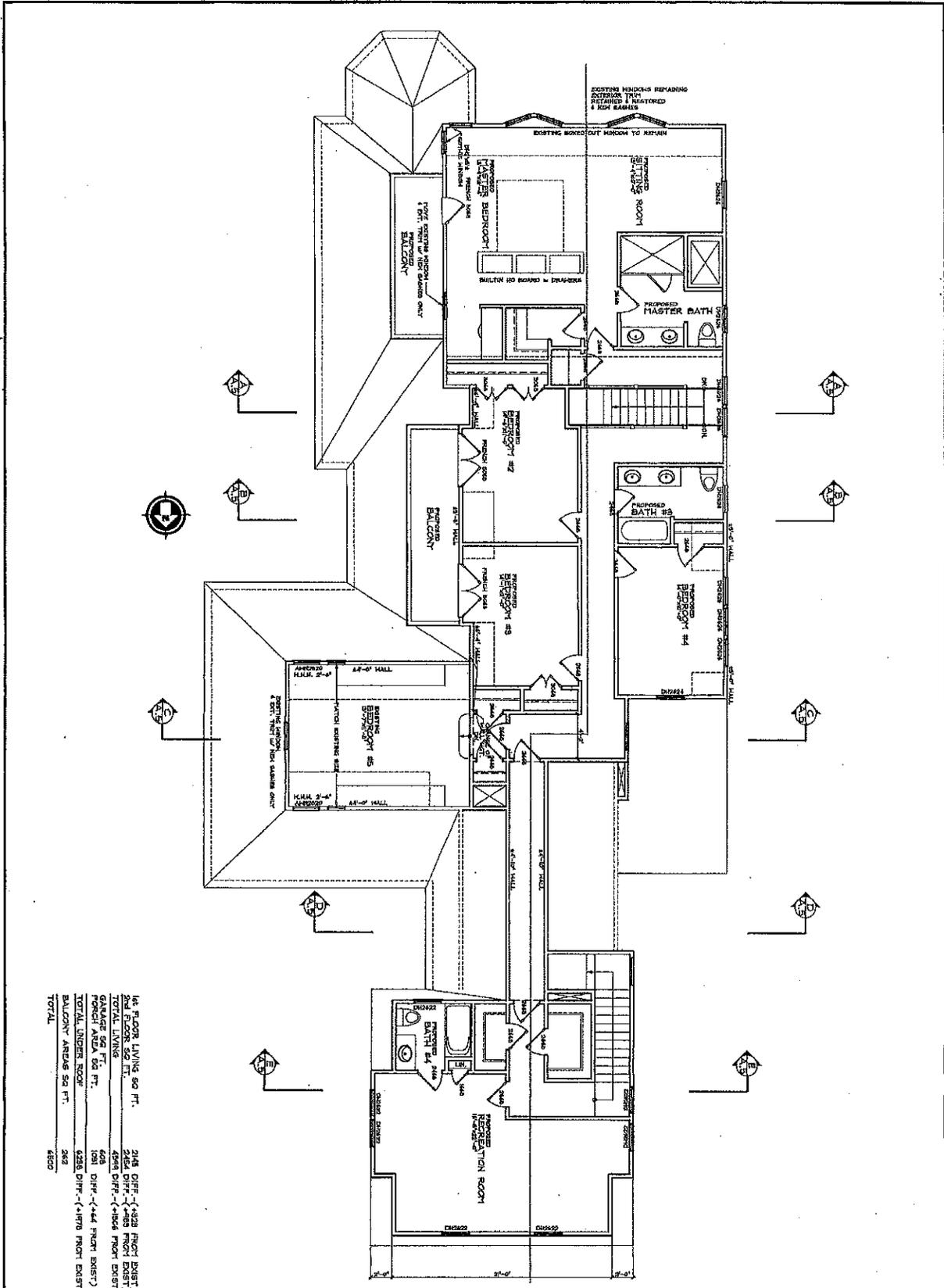
Before me, the undersigned notary public, personally appeared John D. Harris in his/her capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity 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



1st FLOOR LIVING SQ. FT.	2165
2nd FLOOR SQ. FT.	2165
TOTAL LIVING	4330
GARAGE SQ. FT.	600
PORCH AREA SQ. FT.	100
TOTAL UNDER ROOF	4930
BALCONY AREAS SQ. FT.	262
TOTAL	5192



1st FLOOR LIVING SQ. FT. 2165 DIFF. - (-4328 FROM EXIST)
 2nd FLOOR SQ. FT. 2165 DIFF. - (-4328 FROM EXIST)
 TOTAL LIVING 4330 DIFF. - (-8656 FROM EXIST)
 GARAGE SQ. FT. 600 DIFF. - (-4444 FROM EXIST)
 PORCH AREA SQ. FT. 1000 DIFF. - (-1470 FROM EXIST)
 TOTAL UNDER ROOF 5530 DIFF. - (-1470 FROM EXIST)
 BALCONY AREAS SQ. FT. 2862
 TOTAL 8392

OPTION "B"

SCALE 1/4"=1'-0"	
THIS PLAN INVALID UNLESS ACCOMPANIED BY A COMPLETE SET OF CONSTRUCTION DOCUMENTS, SIGNATURE OF PROFESSIONAL SEAL.	
SHEET NO. A.2	DATE: 6/29/04

SECOND FLOOR PLAN
 PROPOSED RENOVATIONS
 DUANE RESIDENCE
 68 DALE AVENUE
 HYANNISPORT, MA, 02647

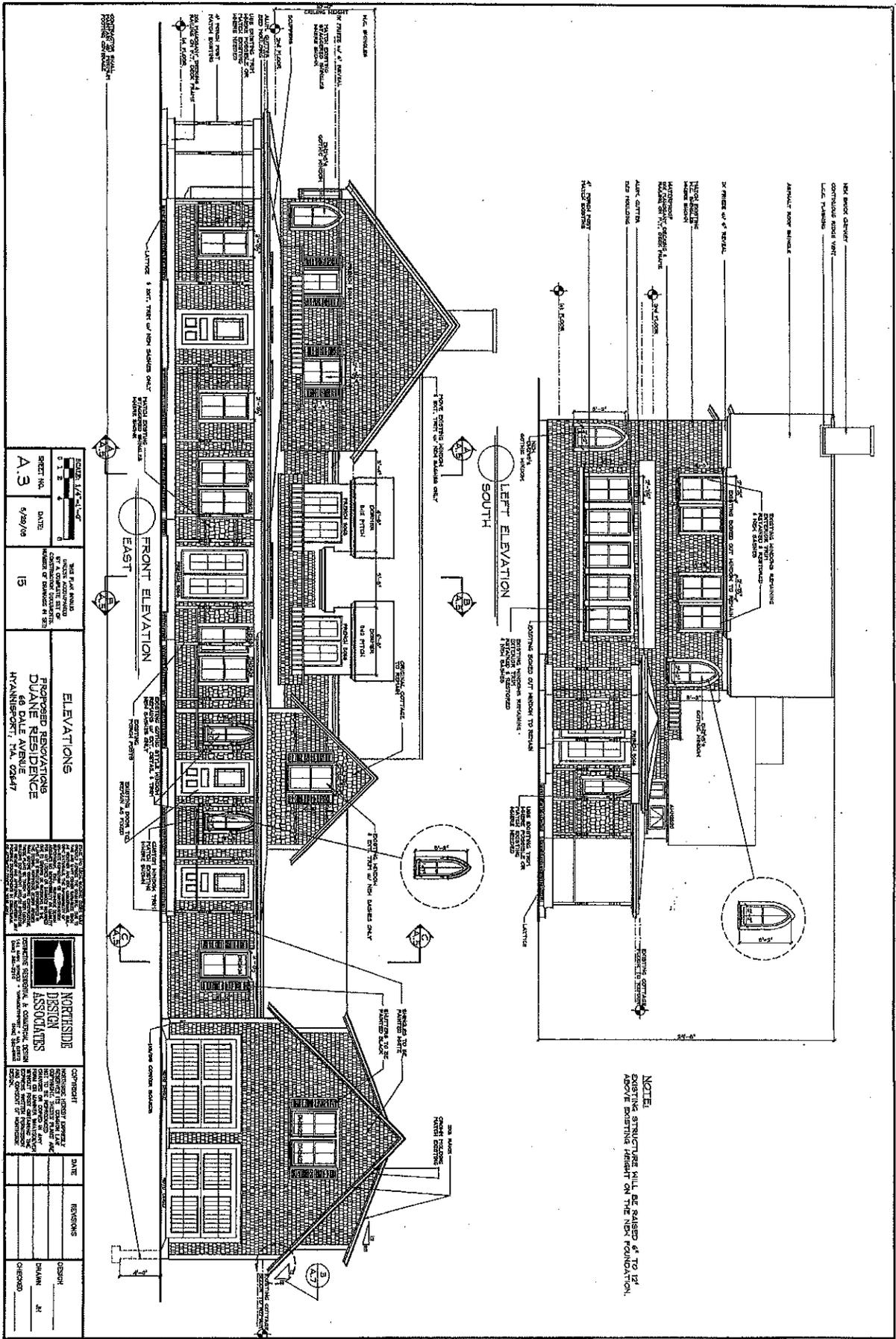
THIS PLAN SHALL BE VALID ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY CHANGES TO THE PROJECT OR SITE IDENTIFIED HEREON SHALL BE THE RESPONSIBILITY OF THE CLIENT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY CHANGES TO THE PROJECT OR SITE IDENTIFIED HEREON. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY CHANGES TO THE PROJECT OR SITE IDENTIFIED HEREON.



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DATE	REVISIONS	DESIGN

FEB 02 2009

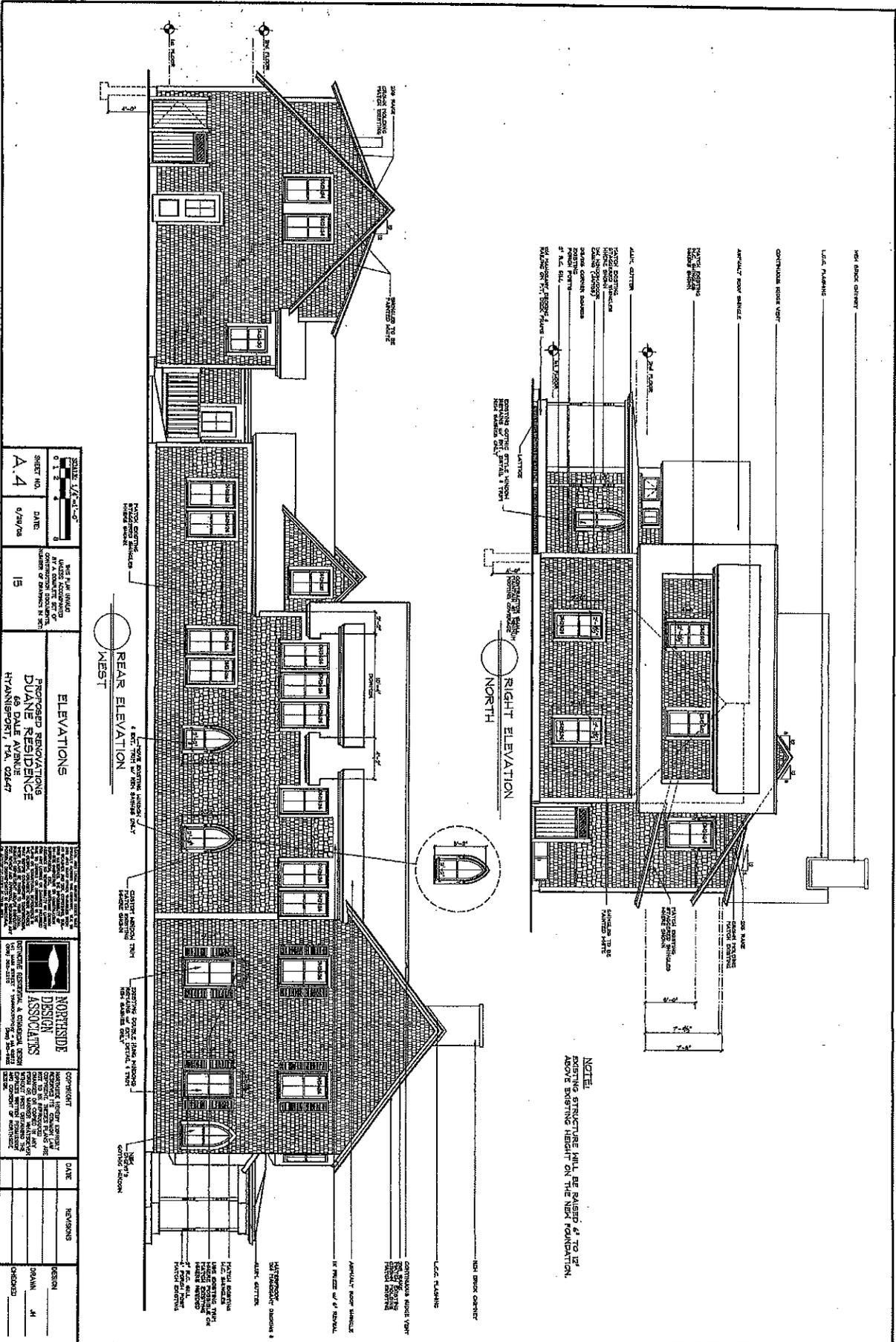


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SCALE: 1/8" = 1'-0"	DATE: 6/28/08	SHEET NO. A.4
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ELEVATIONS
 PROPOSED RESIDENCE
 DUANE RESIDENCE
 69 DALE AVENUE
 HYANISPORT, PA. 0247

NOTESIDE DESIGN ASSOCIATES
 ARCHITECTS & CONSULTANTS
 1000 W. 10TH STREET, SUITE 100
 PITTSBURGH, PA. 15222
 TEL: 412.326.1111
 FAX: 412.326.1112
 WWW.NOTESIDEDESIGN.COM

DATE	REVISIONS	DESIGN	DRAWN	CHECKED
		JH		

