3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

CAPE COD
COMMISSION

Date:	December 1, 2011
To:	Cahoon Museum of American Art, Inc. 4676 Falmouth Road Cotuit, MA 02653
From:	Cape Cod Commission
Re:	Development of Regional Impact Cape Cod Commission Act, Sections 12 and 13
Applicant & Owner:	Cahoon Museum of American Art, Inc. 4676 Falmouth Road Cotuit, MA 02653
Project:	Cahoon Museum of American Art Addition 4676 Falmouth Road Cotuit, MA 02653
Project #:	TR11011
Book/Page:	21520/31

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Cahoon Museum of American Art, Inc., 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 addition to the Cahoon Museum of American Art. The decision is rendered pursuant to a vote of the Commission on December 1, 2011.

PROJECT DESCRIPTION

The project property is located at 4676 Falmouth Road (Route 28) in Cotuit, Massachusetts. The site is zoned Residential (RF). The Cahoon Museum, also known as the Zenas Crocker Homestead, is a two-story, gable roofed structure constructed circa 1782 in the Georgian/Colonial style. It is a contributing building within the Santuit National Register Historic District, which includes 8 buildings and was designated as a National Register District in November 1987.

The proposal is to construct a 3,566 s.f. addition to the northwest rear corner of the historic building. This location will require removal of a 10' x 14' rear ell. The new addition consists of three parts: a two story addition abutting the historic building which will house an elevator and stairway to the second floor, a one-story portion with roof dormer that will house the new entry and gift shop, and a one-story portion with clerestory above that will house a large gallery. The full basement will be a walkout to the expanded rear parking lot and will house the restrooms, mechanical spaces, art storage, and a workshop/lecture room. The new addition and existing building are proposed to be fitted with a sprinkler system. The two story section adjacent to the historic building has a gable roof which is turned 90 degrees to the existing gable roof. The middle section has a gable roof cover at the main entry door on the west side and a covered porch on the east side which provides access to a courtyard. The gallery section has a hip roof with a large clerestory in the center for light and ventilation. The windows and doors are similar in style to those on the existing historic building.

The detached garage constructed in 1945 will be removed to allow a new two-way entrance onto the property on the east side for improved traffic flow and safety. The driveway on the west will also be widened and improved for turning in from the east and exiting to the west onto Route 28. The parking area and sidewalks will have new lighting and handicap accessibility. This design also improves the rainwater runoff and includes a new septic system.

PROCEDURAL HISTORY

The project was referred to the Commission on June 29, 2011 from the Barnstable Historical Commission through John Klimm, Barnstable's Town Manager. In a letter dated July 7, 2011, the Applicant was informed that the Commission had received the DRI referral. The Applicant filed application materials with the Commission on August 26, 2011, September 14, 2011 and October 18, 2011. The DRI application was deemed to be substantially complete to proceed to a public hearing in a letter dated September 20, 2011.

In accordance with the Cape Cod Commission Act, the DRI hearing period was opened by Hearing Officer on August 26, 2011. A site visit was conducted on October 18, 2011 and a duly noticed public hearing was held on the DRI application by an authorized Subcommittee of the Commission on October 18, 2011 at 5:30 pm at the Cape Cod Commission. At this hearing, the Subcommittee voted to continue the public hearing to November 23, 2011 at 10:00 AM at the Cape Cod Commission office where the hearing period would be closed by hearing officer.

A Subcommittee meeting was held immediately following the public hearing on October 18, 2011 at the Cape Cod Commission. At that meeting, the Subcommittee voted 5-0 to approve the DRI, with conditions, for the proposed alteration and to direct Staff to draft a DRI approval decision with conditions for Subcommittee review and approval. At a Subcommittee meeting held on November 7, 2011 at the Cape Cod Commission, the Subcommittee voted unanimously

to forward the decision to the full Commission for consideration at its meeting on December 1, 2011. On November 23, 2011, a Commission Hearing Officer closed the DRI public hearing. At the December 1, 2011 full Commission meeting, the Commission voted unanimously to approve the project as a DRI, subject to conditions.

MATERIALS SUBMITTED FOR THE RECORD

In addition to the list of materials submitted for the record (see Table 1 below), the application and notices of public hearing relative thereto, Commission Staff's notes and correspondence, the minutes of public meetings and hearings, and all other written submissions received in the course of the proceedings are hereby incorporated into the record by reference.

TABLE 1: Materials Submitted for the Record

Materials from Cape Cod Commission	***Date Sent***
Memorandum from Sarah Korjeff to Steve Cook regarding comments on proposed project	5/9/2011
DRI referral notification letter from Elizabeth Enos to SC	7/7/2011
Letter from Gail Hanley to SC regarding published notice	8/9/2011
DRI referral notification follow up letter from EE to SC	8/18/2011
Hearing Officer Minutes	8/26/2011
Letter from EE to SC deeming the DRI application incomplete	9/7/2011
Letter from EE to SC deeming the application complete	9/20/2011
Letter from GH to SC regarding published notice	9/28/2011
Email from EE to Subcommittee members regarding change to site visit meeting time	10/5/2011
Memorandum from EE to Subcommittee members including a Staff report, a packet of Commission Staff correspondence, a packet of information from the Applicant's representatives, copies of comment letters, and direction to the Cahoon Museum for the scheduled site visit	10/6/2011
Email from EE to Jo Anne Miller Buntich advising JMB of 10/18/11 hearing	10/6/2011
Email from EE to Courtney Green advising CG of 10/18/11 public hearing	10/6/2011
Email from SK to Marylou Fair notifying MF of 10/18/11 public hearing	10/11/2011
Email, including Staff Report, from EE to SC regarding 10/18/11 site visit and public hearing	10/17/2011
Email, including Staff Report, from EE to JMB regarding 10/18/11 public hearing	10/17/2011
Email, including Staff Report, from EE to Subcommittee members regarding 10/18/11 site visit and public hearing	10/17/2011
Email from EE to SC regarding presentations at 10/18/11 site visit and hearing	10/17/2011
Email from Lynne Pleffner to EE and Subcommittee members stating unable to attend site visit or hearing	10/17/2011
Hearing Outline given to Subcommittee members at public hearing	10/18/2011
Email from Nancy Hossfeld to Ed Maroney, associate editor of The Barnstable Patriot, re: project update	10/20/2011

Email from Jessica Rempel to Subcommittee members confirming 11/7/2011 Subcommittee meeting	10/20/2011
Email from GH to Linda Hutchenrider, Barnstable Town Clerk, with attached notices for Subcommittee meeting and procedural hearing	10/21/2011
Email from JR to SC with attached MHC fax	10/25/2011
Email from JR to CG regarding status update	10/25/2011
Email from SK to JR regarding draft decision finding language	10/25/2011
Email from JR to SK confirming revised plans were received	11/1/2011
Email from JR to SK requesting electronic version of plan	11/1/2011
Memorandum from JR to Subcommittee members including two sets of minutes, a draft DRI Decision, and updated plans	11/2/2011
Email from JR to JMB with draft DRI decision attached	11/2/2011
Memorandum from Lev Malakhoff to JR regarding transportation assessment	11/2/2011
Email from JR to SC with draft DRI decision attached	11/2/2011
Hearing Notice for 12/1/2011	11/14/2011
Letter from GH to SC regarding notices	11/14/2011
Email from JR to SC with draft decision attached	11/28/2011
Email from JR to EM with draft decision attached	11/29/2011
Email from JR to JMB with draft decision attached	11/29/2011
Email from SK to JR re: minor mistake in Cahoon decision	11/29/2011
Materials from Applicant	***Date Received***
Application for DRI including attachments and payment	8/26/2011
Letter from SC to EE including updated plans	9/14/2011
Letter from SC to EE including reduced plans and application	10/5/2011
Email from SC to EE regarding site visit, hearing, and Staff Report	10/17/2011
Email from SC to EE regarding presentations at site visit and hearing	10/17/2011
Revised site plan drawing A4 dated 10/18/11 submitted at hearing	10/18/2011
Email from SC to JR with attached plan sheet and book and page	10/25/2011
Revised site plan dated 11/15/10 and revised through 10/24/11	10/26/2011
Email from SC to JR regarding revised plans	11/1/2011
Letter from SC to JR with reduced size plans attached	11/21/2011
Materials from Public Agencies/Towns/State/Federal	***Date Received***
DRI referral memorandum from JMB to John C. Klimm including DRI referral form, MHC Form B, National Register designation, and Commission Staff memorandum	6/23/2011
Letter from JMB to EE regarding DCPC, LCP, and local zoning	9/21/2011
Email from JMB to EE regarding attendance at hearing	10/17/2011
Faxed and stamped letter from Massachusetts Historical Commission	10/24/2011
Materials from Members of the Public	***Date Received***
Email from CG to EE asking for project status	10/6/2011
Email from EM to EE requesting status update on the project	10/24/2011
Email from CG to EE asking for project status	10/25/2011
Email from EM to JR requesting draft decision	11/28/2011

TESTIMONY

October 18, 2011 Public Hearing

Richard Roy opened the Public Hearing on October 18, 2011 at 5:35 PM and noted that the purpose of the hearing was to consider the DRI application of Cahoon Museum of American Art, Inc., for a 3,566 square foot addition to the existing museum located at 4676 Falmouth Road, Cotuit and to take public testimony on the project.

Steven Cook of Cotuit Bay Design, LLC, representing the Applicant, presented an overview of the proposed project describing the existing and proposed conditions. He noted the need for the additional space for handicap access, expanded exhibition space, and increased storage. He discussed the preservation of character-defining features on the existing structure.

Commission Staff Elizabeth Enos and Sarah Korjeff then presented the Staff Report outlining the existing setting, a project description, a procedural overview, the standards of review and approval, Commission Staff analysis, and conclusions and recommendations. Ms. Enos concluded her presentation by reiterating that the project appears to comply with applicable Minimum Performance Standards (MPS) in the area of Heritage Preservation and Community Character (HPCC) with appropriate conditions as outlined in the Staff Report.

Mr. Roy asked for questions from the Subcommittee. No Subcommittee members asked questions at that time.

Mr. Roy then asked for comments from federal, state or local officials. JoAnne Miller Buntich, Director of Growth Management for the Town of Barnstable, commented that the Town and the Barnstable Historical Commission (BHC) are fine with the Staff assessment and agree with Ms. Korjeff's suggestions. Ms. Buntich commented that overall the Town and BHC are delighted with the site plan and the organization of traffic and noted that when the BHC reviewed the project they were concerned with the structure and not with the driveways. Ms. Buntich went on to note that the Cahoon Museum is an important part of the fabric of the Town and the Town wants to support the Museum. Ms. Buntich concluded by stating that she is available to answer any questions.

Mr. Roy asked for comments from the general public. No members of the general public commented on the project.

Mr. Roy asked again for questions from the Subcommittee. Ernie Virgilio asked for clarification on the design of the driveway entries and exits. As background, Mr. Cook explained that the Town of Barnstable was looking for better access and egress, especially for the fire department. For Commission review, Mr. Cook thought only historic character of building was of concern. Mr. Virgilio stated he was concerned about both historic and safety issues and thinks a circular driveway for fire and rescue is a good idea, but does not see the need for two entrances and exits due to the location and traffic concerns. Ms. Enos reminded the Subcommittee that the project was not reviewed for the issue area of traffic and that the threshold the project triggers is limited to Historic Preservation and Community Character. Mr. Cook provided additional background on traffic concerns, noting that a traffic study had been done and there had been discussions with town officials and the driveway designs are based on the outcome of the study and discussions with town officials. Mr. Cook went on to explain that other driveway designs

had been proposed, including a large turn around, but these designs were rejected due to excessive cost associated with the need for excessive grading and retaining walls. Mr. Virgilio withdrew his comment. Ms. Buntich commented that the Town has been looking at the proposed site plans at the local level and that the plans have evolved over time. Ms. Buntich also notes that she was not prepared to discuss traffic issues at the hearing but the Town is looking at this issue at the local level.

Mr. Virgilio asked if there is going to be an archaeological person on site during construction. Ms. Korjeff stated that there is no expectation at this time that a survey or assessment will be needed, but noted that Massachusetts Historical Commission (MHC) needs to respond as to whether the proposed work is being done in an area considered to be archaeologically sensitive and if the proposed work is being done in an archaeologically sensitive area, the Commission will ask for a survey prior to construction to confirm nothing of significance is there. The expectation is that, because there has already been disturbance on the site in the areas of the proposed addition and driveways, it is less likely that there is a concern, but Staff needs to hear that formally from MHC. Ms. Enos suggested that the project be conditioned upon approval by MHC prior to issuance of a Preliminary Certificate of Compliance.

John Harris had the same concern as Mr. Virgilio but noted that Glenn Cannon was not reviewing the project.

Mr. Roy asked what the retaining walls will be made of. Mr. Cook answered that the retaining walls will be made of concrete with stone facing, will blend in with the existing structures, and the overall look will be that of a farm building.

Mr. Virgilio asked if the roof will be upgraded. Mr. Cook answered that they will have to upgrade or support the existing roof where the building ties in to the addition because of the added weight there.

Mr. Roy asked for a motion to continue the public hearing. Attorney Senatori advised the Subcommittee that the hearing period needs to close by November 23, 2011. Mr. Virgilio moved to continue the public hearing to November 23, 2011 at 10:00 AM at the Cape Cod Commission office to be closed by Hearing Officer. Mr. Richardson seconded the motion and it came to a unanimous vote.

<u>October 18, 2011 Subcommittee Meeting</u>
Richard Roy opened the subcommittee meeting on October 18, 2011 at 6:21 PM.

The Subcommittee discussed potential motions and standards for project approval. Mr. Roy stated that the items to discuss were project compliance with Minimum Performance Standards (MPS) and whether the project complies with applicable MPSs or can be conditioned to ensure compliance.

Mr. Roy entertained a motion to condition the project to require Massachusetts Historical Commission (MHC) approval prior to issuance of a Preliminary Certificate of Compliance. Ernest Virgilio so moved. Leonard Short seconded the motion and it came to a unanimous vote.

The second motion considered was a motion to condition the project to require any widening in

the front portion of the property to be kept to a minimum and that landscaping be used to screen any significant areas of pavement. Royden Richardson so moved and John Harris seconded. Discussion ensued regarding the motion.

Ms. Korjeff noted that there had been some question as to whether there would be any local concern about the increased pavement and widening of the two access ways in the front of the existing building. Ms. Korjeff went on to note that Staff prefers as little pavement in the front as possible while still allowing for meeting the needs of access and egress and Staff recommends a finding or condition stating that the paved access points be kept as narrow as possible but without putting a numerical limit on it.

John Harris agreed a numerical limit was not needed and questioned the need for the condition as he did not think the museum owners would permit something that would degrade the entrance.

Ms. Enos directed the Subcommittee to discuss a potential motion to condition the project to submit a Landscaping Plan for Staff review and approval prior to issuance of a Preliminary Certificate of Compliance to ensure that landscaping be used as Staff suggested to screen significant areas of pavement.

Mr. Harris asked if the 2 motions could be combined. Staff agreed. Ms. Korjeff pointed out that the Applicant would be required to submit a Landscaping Plan to the Town also so this is not an additional requirement just for Commission review.

JoAnne Miller Buntich, Director of Growth Management, Town of Barnstable, pointed out that this is a state-owned portion of Falmouth Road and the determiner/final arbiter of the curb cut will be Mass Highway District 5.

Ms. Enos indicated that the condition had not been quantified for that reason.

Mr. Harris understood there would be no numerical limit put on the width of the entrances, suggested the two conditions be combined and noted that the Town indicates there will be constraints we have no control over.

Mr. Cook agreed with Ms. Buntich and stated the Applicant will be working with the Town on site plan review to meet Town guidelines and the State will make the final ruling. Mr. Cook also noted the accesses will be no wider than needed.

Ernie Virgilio questioned the number of curb cuts. Mr. Cook confirmed there are two existing curb cuts.

Staff suggested striking the second motion and moving on to the third motion regarding the Landscaping Plan because the concern is with the landscaping being used to screen significant areas of pavement and seeing the final access plan.

Mr. Richardson withdrew his motion and Mr. Harris withdrew his second.

Ms. Korjeff specified access drives should be included in the Landscaping Plan, which is

standard practice.

Leonard Short stated that his concern with the landscaping at the driveways is that this is a very busy and dangerous road and there are a lot of older people in the community and to get out and onto Route 28 in either direction during certain hours will be very difficult. Mr. Short stated his concern is that there should not be any plantings that will in any way obstruct vision.

Mr. Richardson felt this had been addressed through the presentations.

Ms. Korjeff noted that the Staff concern was more about the parking areas near the front of the property, both existing and proposed. Ms. Korjeff noted there is existing vegetation that screens those areas and Staff wants to see if the vegetation is going to be retained or removed and for that to be reflected on the Landscaping Plan.

Mr. Harris moved to condition the project to submit a Landscaping Plan for Staff review and approval prior to issuance of a Preliminary Certificate of Compliance to ensure compliance with the applicable standards. Mr. Harris felt this language was sufficient. Mr. Virgilio seconded the motion and it came to a unanimous vote.

Mr. Harris moved that the project, with appropriate conditions, complies with the Minimum Performance Standards of the Regional Policy Plan. Mr. Virgilio seconded the motion and it came to a unanimous vote.

Mr. Roy entertained a motion to adopt the written testimony of Jo Anne Miller Buntich, Director of Growth Management for the Town of Barnstable and find that the project complies with the Town of Barnstable's Local Comprehensive Plan. Mr. Richardson so moved. Mr. Harris seconded the motion and it came to a unanimous vote.

Mr. Roy entertained a motion to adopt the written testimony of Jo Anne Miller Buntich and find that the project complies with the Town of Barnstable's local bylaws. Mr. Richardson so moved. Mr. Short seconded the motion and it came to a unanimous vote.

Mr. Roy entertained a motion to adopt the written testimony of Jo Anne Miller Buntich that the Town-wide DCPC does not apply to this project and the project is therefore consistent with this criterion. Mr. Short so moved. Mr. Virgilio seconded the motion and it came to a unanimous vote.

Mr. Roy entertained a discussion of probable benefits and probable detriments of the project.

Mr. Richardson felt the project was a benefit as the museum was going to be able to increase the square footage of the building to improve their mission with more room for art to be exhibited to benefit the community while keeping with architectural standards and the historical significance of the building. Mr. Richardson noted another benefit was that, whatever is done to the driveways to enhance the abilities to enter and leave, it will be a benefit over what is there now. Mr. Richardson also noted another benefit in terms of the Applicant's proposed utilization of old glass and wood within the new structure to preserve significant historical items.

Mr. Virgilio felt a benefit would be that the museum would be able to entertain more visitors

and more art that is now in storage would be exhibited.

Mr. Harris agreed the project is a positive one, but noted that the one problem is its location as crossing the street can be dangerous. Mr. Harris noted that the museum is quite nice and he loves the art there.

The Subcommittee did not identify any detriments.

Mr. Roy entertained a motion that the probable benefits of the project outweigh the probable detriments. Mr. Richardson so moved. Mr. Virgilio seconded the motion and it came to a unanimous vote.

Mr. Roy entertained a motion to approve the Development of Regional Impact, with conditions, for the proposed alteration of the Cahoon Museum of American Art located at 4676 Falmouth Road in Cotuit, Massachusetts. Mr. Short so moved. Mr. Richardson seconded the motion and it came to a unanimous vote.

Mr. Roy entertained a motion to direct Staff to draft a DRI approval decision with conditions for Subcommittee review and approval. Mr. Richardson so moved. Mr. Virgilio seconded the motion. Mr. Harris asked for confirmation that the approval will include waiting on MHC approval and Staff confirmed MHC approval will be a condition of the decision. Ms. Korjeff indicated it typically takes MHC 30 days to respond and Staff will contact MHC to get their comments. The motion came to a unanimous vote.

The Subcommittee discussed potential meeting dates to review the draft decision. Mr. Virgilio asked if the Chair can review the draft decision. Attorney Senatori stated the Subcommittee must get together as a Committee to review the draft decision. Staff was directed to review potential meeting dates and coordinate with the Subcommittee to schedule the next Subcommittee meeting.

November 7, 2011 Subcommittee Meeting

Richard Roy opened the Subcommittee meeting on November 7, 2011 at 12:04 PM. He then noted that the purpose of the meeting was to review the draft written DRI approval decision with conditions for the proposed addition and expansion of the Cahoon Museum of American Art. He then asked the Subcommittee members to introduce themselves, which they did.

Mr. Roy noted that there were two sets of minutes for the Subcommittee to approve. Leonard Short moved to approve the October 18, 2011 public hearing minutes. Ernie Virgilio seconded and it came to a unanimous vote.

Mr. Roy asked for Jessica Rempel, Regulatory Officer, to address an error in the October 18, 2011 Subcommittee meeting minutes. Ms. Rempel explained there had been a "cut and paste" error and language related to another project was included under the "Minutes Summary" in the draft minutes. She asked the Subcommittee to amend the minutes by replacing "A Cape Cod Commission (Commisssion) Subcommittee held a public meeting on the New Generation Wind project in Bourne for the purpose of deliberating on the project" on page 1 under "Minutes Summary" with "A Cape Cod Commission Subcommittee held a public meeting on a proposed Development of Regional Impact (DRI) at the Cahoon Museum of American Art, Inc., 4676

Falmouth Road in Cotuit for the purposes of deliberating on the project."

Mr. Short moved to approve the October 18, 2011 Subcommittee meeting minutes, as amended. John Harris seconded and it came to a unanimous vote.

Mr. Roy then invited Commission Staff to provide an update and present the draft written decision to the Subcommittee.

Ms. Rempel first gave an update on the project. She referred to the MHC letter dated 10/24/2011 stating that the MHC had determined that the proposed project will have "no adverse effect" on significant historic or archaeological properties. She noted that at prior meetings the Subcommittee had discussed conditioning the project upon approval from MHC, the MHC letter met the condition and therefore the project did not need to be conditioned upon MHC approval.

Ms. Rempel went on to describe the site plan entitled "Site Plan Cahoon Museum," prepared by David C. Thulin, PE, PLS, revised through 10/24/2011 that the Applicant had submitted to Staff that showed the "jog" in the proposed addition preserving the corner board and cornice detail as had been requested at prior meetings. She noted that Staff had reviewed and approved the revised plan. She asked the Subcommittee to review the revised plans.

Ms. Rempel directed the Subcommittee to a memorandum Staff had prepared in regards to traffic concerns that had been raised at prior Subcommittee meetings. She noted that the addition/expansion of the historic structure did not require transportation review, however, Staff wanted to respond to concerns raised by the Subcommittee members at the previous meetings. She asked the Subcommittee to review the memorandum and asked Glenn Cannon, Transportation Engineer/PE, to summarize the findings for the Subcommittee.

Mr. Cannon said transportation Staff reviewed the proposed project for informational purposes in 2 areas, trip generation and safety. He noted that the Institute of Transportation Engineers (ITE) did not have a site code for "museum" so he used "library" as a similar land use. He said Staff estimated the site will generate about 200 daily trips and will therefore not be a significant traffic generator as the threshold is 250 daily trips. In regards to safety, Mr. Cannon referred to the site plan and noted that traffic at the nearest signal backs up past the existing driveway. He noted that the westerly drive proposes "right turn in/right turn out only" and the easterly drive allows for all turning movements. He said he thinks the proposed reconfiguration would have been what he would have recommended. He said stopping sight distance both eastbound and westbound were satisfactory. He said the proposed plans are the best that can be done on the site and would meet the standards in the RPP. He said the reconfiguration creates a safer condition than what exists.

Mr. Roy asked Ms. Rempel to proceed with the review of the draft written decision.

Ms. Rempel provided a page-by-page review of the draft written decision and asked for the Subcommittee to stop her with questions or edits as she went through the pages. She said page 1 provided a Summary of the Commission's decision. She said page 2 gave a Project Description and began the Procedural History noting that the project was referred to the Commission by the Town of Barnstable through the Barnstable Historical Commission. She said that the Procedural

History continued on to the top of page 3 and that the Materials Submitted for the Record began on page 3 and continued on to page 4. She said that at the bottom of page 4 the Testimony section began with the October 18, 2011 public hearing that continued through page 5 and the middle of page 6. She said the Testimony for the October 18, 2011 Subcommittee meeting began in the middle of page 6 and continued through pages 7, 8, and the middle of page 9. She noted that the Testimony from the current meeting will be included in the final decision. She said the Commission's Jurisdiction was described in the middle of page 9 and noted that the project qualifies as a DRI pursuant to Sections 2(a)(i)(a) and 3(a) of the Commission's *Enabling Regulations*. She said that the Findings began at the bottom of page 9, beginning with the General Findings. She said the General Findings continued through page 10 and concluded at the bottom of page 11 and that the Findings related to Historic Preservation and Community Character (HPCC) began at the bottom of page 11 and continued through the bottom of page 12. She said the Conclusion began on the bottom of page 12 and continued on to the top of page 13. She said the Conditions, beginning with the General Conditions, began on page 13 and continued through the bottom of page 14. She noted that at the bottom of page 14, HPCCC1 states that prior to the issuance of a Preliminary Certificate of Compliance the Applicant shall submit a Landscape Plan for Staff review and approval to ensure compliance with Minimum Performance Standard HPCC2.10. She said that page 15 concludes the decision and provides a Summary and place for signatures.

Mr. Roy asked for questions from the Subcommittee.

Ernie Virgilio asked to see the Landscape Plan once it is available and noted there would normally be one available at this point.

Sarah Korjeff, Historic Preservation Specialist, said we would normally have a Landscape Plan if site development was a major concern. She noted that in this case, where the concern was more about historic and archeological resources and visibility from the roadway was a secondary concern, Staff felt it was appropriate to condition the project to provide a Landscape Plan. She also noted that given the Town's testimony at the public hearing that landscaping would be discussed as the project went through the Town's site plan review process, Staff felt it was appropriate for the Applicant to submit the Landscape Plan after the Town's review.

Mr. Virgilio referred to another project on MacArthur Boulevard where he was not pleased with the landscaping, so he noted he wants to be sure to be able to see the plan.

Steve Cook, representing the Applicant, noted he was working on getting a Landscape Plan prepared and hoped to have it for the December 1, 2011 full Commission meeting but if he gets it sooner he will submit it to Staff to distribute. He also noted that the project still has to go through the Town's site plan review and several things could change during that process.

Mr. Virgilio said he was satisfied with those responses.

Mr. Roy asked the Applicant for any comments.

Mr. Cook said he was in agreement with all the general conditions in the draft decision and that he read the Staff report and was in agreement with it.

Mr. Roy entertained a motion to approve the draft written DRI decision. Mr. Richardson moved to approve the draft written DRI decision, with conditions, for the proposed Cahoon Museum of American Art, Inc. Mr. Short seconded and it came to a unanimous vote.

John Harris asked if the request for the Landscape Plan should be included as a condition.

Ms. Korjeff said it is already a condition.

Mr. Roy confirmed it is a condition in the decision.

Kristy Senatori, Chief Regulatory Officer, said Staff will provide copies of the Landscape Plan once it is available.

Mr. Roy entertained a motion to recommend the decision to the full Commission. Mr. Richardson moved to recommend that the full Commission approve the draft written DRI decision, with conditions, for the Cahoon Museum of American Art, Inc., at the December 1, 2011 Commission meeting.

JURISDICTION

The project qualifies as a DRI pursuant to Sections 2(a)(i)(a) and 3(a) of the Commission's *Enabling Regulations* (Revised March 2011) as a "Substantial Alteration of a building, structure, or site listed on the National Register of Historic Places, outside a municipal historic district or outside the Old King's Highway Regional Historic District." On June 7, 2011, the Barnstable Historical Commission determined that the proposed project constitutes a substantial alteration of a National Register historic structure.

Pursuant to Section 7(c)(viii)(2)(b) of the Commission's *Enabling Regulations*, for "projects involving historic properties referred under Section 3(a) above, the Commission shall waive application of Minimum Performance Standards other than those of the Heritage Preservation/Community Character Section of the RPP, so long as the development proposal does not meet or exceed a threshold contained in Section 3(b-k)."

FINDINGS

The Commission has considered the DRI application of Cahoon Museum of American Art, Inc. for the proposed expansion of the existing Cahoon Museum of American Art, 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:

General Findings

GF1. As the date of the first substantive public hearing on the application was October 18, 2011, the proposed project was reviewed subject to the 2009 Regional Policy Plan (RPP), as amended in May 2011.

GF2. The project location is 4676 Falmouth Road, in Cotuit, Massachusetts. The site is zoned residential.

GF3. The project site, as described in the application, is approximately 2.19 acres of land that is previously developed and is the site of the Cahoon Museum of American Art. The Cahoon Museum, also known as the Zenas Crocker Homestead, is a two-story, gable roofed structure constructed circa 1782 in the Georgian/Colonial style. It is a contributing building within the Santuit National Register Historic District, which includes 8 buildings and was designated as a National Register District in November 1987.

GF4. Cahoon Museum of American Art, Inc. (the Applicant) proposes to construct a 3,566 s.f. addition to the northwest rear corner of the historic building. This location will require removal of the 10' x 14' rear ell and the detached garage. The new addition consists of three parts: a two story addition abutting the historic building which will house an elevator and stairway to the second floor, a one-story portion with roof dormer that will house the new entry and gift shop, and a one-story portion with clerestory above that will house a large gallery. The full basement will be a walkout to the expanded rear parking lot and will house the restrooms, mechanical spaces, art storage, and a workshop/lecture room. The new addition and existing building are proposed to be fitted with a sprinkler system. The two story section adjacent to the historic building has a gable roof which is turned 90 degrees to the existing gable roof. The middle section has a gable roof cover at the main entry door on the west side and a covered porch on the east side which provides access to a courtyard. The gallery walls are higher than the middle section and it has a hip roof with a large clerestory in the center for light and ventilation. The windows and doors are similar in style to those on the existing historic building. The detached garage constructed in 1945 will be removed to allow a new two-way entrance onto the property on the east side for improved traffic flow and safety. The driveway on the west will also be widened and improved for turning in from the east and exiting to the west onto Route 28. The parking area and sidewalks will have new lighting and handicap accessibility. This design also improves the rainwater runoff and includes a new septic system.

GF5. Pursuant to Section 7(c)(viii)(2)(b) of the Commission's enabling regulations, for "projects involving historic properties referred under Section 3(a) above, the Commission shall waive application of Minimum Performance Standards other than those of the Heritage Preservation/Community Character Section of the RPP, so long as the development proposal does not meet or exceed a threshold contained in Section 3(b-k)."

GF6. In written testimony dated September 21, 2011, Jo Anne Miller Buntich, Director of Growth Management for the Town of Barnstable, states that the Town-wide District of Critical Planning Concern (DCPC) does not apply to this project. As such, the Commission adopts the testimony of Jo Anne Miller Buntich and finds that the proposed development is consistent with applicable DCPC regulations.

GF7. In written testimony dated September 21, 2011, Jo Anne Miller Buntich, Director of Growth Management for the Town of Barnstable, states that the proposed project is consistent with Barnstable's Local Comprehensive Plan (LCP). As such, the

Commission adopts the testimony of Jo Anne Miller Buntich and finds that the proposed development is consistent with Barnstable's certified LCP.

GF8. In written testimony dated September 21, 2011, Jo Anne Miller Buntich, Director of Growth Management for the Town of Barnstable, states that the proposed project is consistent with Barnstable's municipal development bylaws. As such, the Commission finds the proposed development is consistent with municipal development bylaws.

GF9. The Commission finds that the project will be constructed in accordance with the following plans:

- Site Plan (Sheet 1 of 1), from the plan entitled "Site Plan, Cahoon Museum, 4676 Falmouth Road, Cotuit, MA" prepared by David C. Thulin, PE, PLS, revised through October 24, 2011 (attached to this decision as Exhibit A and incorporated by reference).
- Revised Drawing A4 from the plan set entitled "New addition for: Cahoon Museum of American Art, 4676 Falmouth Road, Cotuit, MA" designed by Cotuit Bay Design, LLC, dated 10/18/2011 and received by the Commission on October 18, 2011.
    - West Elevation and North Elevation (A4)
- Drawings A1-A3 and A5-A6 from the plan set entitled "New addition for: Cahoon Museum of American Art, 4676 Falmouth Road, Cotuit, MA" designed by Cotuit Bay Design, LLC, dated 9/14/2011 and received by the Commission on October 5, 2011.
    - First Floor Plan (A1), Lower Level Plan (A2), Second Floor Plan (A3), East Elevation and South Elevation (A5), Roof Plan (A6)
- Context Plan (Sheet 1 of 2), Grading Plan (Sheet 2 of 2), from the plan set entitled "Site Plan, Cahoon Museum, 4676 Falmouth Road, Cotuit, MA" prepared by David C. Thulin, PE, PLS, dated 11/15/10 and revised through 4/15/11

GF10. The Commission finds that the probable benefit of the proposed development is the addition to an historic building on the National Register of Historic Places that will preserve the key character-defining features of the building and will not diminish its historical and architectural significance. The Commission finds that the probable benefit from the proposed development is greater than the probable detriment.

Historic Preservation and Community Character

HPCCF1 The existing structure now known as the Cahoon Museum and also known as the Zenas Crocker Homestead, located at 4676 Falmouth Road, Cotuit, MA, is a contributing building within the Santuit National Register Historic District, which includes 8 buildings and was designated as a National Register Historic District in November 1987.

HPCCF2 The Santuit Historic District is significant as the early economic center of one of Barnstable's southern villages, and the prominence of the area is reflected in the fine

architecture of its houses from the 18th and 19th centuries, many of which were owned by the Crocker family.

HPCCF3 The proposed addition will preserve the building's key character-defining features as required by RPP MPS HPCC1.1. The proposed design preserves the historic structure's character-defining features by locating the addition to the rear on the least prominent façade in a place where there has already been alteration, by aligning the connection to avoid disturbing two posts in the rear wall of the historic structure, and by including an 18" jog at the northwest corner to preserve the original corner post and eave of the historic structure and to retain the original architectural detailing there. The proposed addition maintains the prominence of the historic building by designing the roof ridgelines of the addition lower than the ridgeline of the original structure, and by breaking down the massing of the addition into three smaller elements to reduce its apparent scale and to resemble the traditional historic pattern of attached rear ells. The character of the addition is consistent with the building's architectural style and is slightly differentiated from the historic structure, with exterior shingle siding and red trim to relate to original structure's red clapboard siding.

HPCCF4 The rear ell, which is to be removed, is of more recent construction and is not a historically significant portion of the structure. The detached garage is also a later addition without historic significance. The Commission finds that removal of these elements will not threaten the building's significance.

HPCCF5 The proposed project also involves redesign of the existing driveway and parking for the museum. The existing driveway on the east side of the property is proposed to be widened to become a two-way access to the rear parking area. The existing access drive on the west side of the property would also be widened, but is intended to be limited to right turns in and right turns out. The Commission finds that these changes should not affect the setting of the property if parking areas are adequately screened by retaining existing vegetation and if widening is kept to a minimum. The Commission further finds that as a condition of DRI approval, the Applicant is required to submit a Landscape Plan for Staff review and approval in order to ensure compliance with MPS HPCC2.10.

HPCCF6 Massachusetts Historical Commission (MHC) commented on October 24, 2011 that the project is unlikely to affect archaeological resources. As such, the Commission finds the proposed project is consistent with MPS HPCC1.3.

CONCLUSION

Based on the above findings, the Commission hereby concludes:

1. That the probable benefit from the proposed development is greater than the probable detriment;

2. That upon satisfaction of the conditions identified in this decision, the proposed development is consistent with the 2009 (as amended) Regional Policy Plan and the

Local Comprehensive Plan of the Municipality in which the proposed development is located;

3. The proposed development is consistent with municipal development bylaws; and

4. The Town-wide District of Critical Planning Concern does not apply to the project and therefore can be considered to be consistent with this criterion.

CONDITIONS

The Commission hereby approves, with conditions, the DRI application of Cahoon Museum of American Art, Inc., for the proposed expansion and addition project located at 4676 Falmouth Road, Cotuit, MA provided the following conditions are met:

General Conditions

GC1. This decision is valid for a period of 7 years and local development permits may be issued pursuant hereto for a period of 7 years from the date of this written decision.

GC2. The Applicant shall obtain all necessary federal, state, and local permits for the proposed project.

GC3. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, and remain in compliance herewith, shall be deemed cause to revoke or modify this decision.

GC4. No development work, as the term "development" is defined in the Cape Cod Commission 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.

GC5. All development shall be constructed in a manner consistent with the following plans and other information:

- Site Plan (Sheet 1 of 1), from the plan entitled "Site Plan, Cahoon Museum, 4676 Falmouth Road, Cotuit, MA" prepared by David C. Thulin, PE, PLS, revised through October 24, 2011 (attached to this decision as Exhibit A and incorporated by reference).
- Revised Drawing A4 from the plan set entitled "New addition for: Cahoon Museum of American Art, 4676 Falmouth Road, Cotuit, MA" designed by Cotuit Bay Design, LLC, dated 10/18/2011 and received by the Commission on October 18, 2011.
    - West Elevation and North Elevation (A4)
- Drawings A1-A3 and A5-A6 from the plan set entitled "New addition for: Cahoon Museum of American Art, 4676 Falmouth Road, Cotuit, MA" designed by Cotuit Bay Design, LLC, dated 9/14/2011 and received by the Commission on October 5, 2011.
    - First Floor Plan (A1), Lower Level Plan (A2), Second Floor Plan (A3), East Elevation and South Elevation (A5), Roof Plan (A6)
- Context Plan (Sheet 1 of 2), Grading Plan (Sheet 2 of 2), from the plan set entitled "Site Plan, Cahoon Museum, 4676 Falmouth Road, Cotuit, MA"

prepared by David C. Thulin, PE, PLS, dated 11/15/10 and revised through 4/15/11

Any deviation to the proposed project from the approved plans, including but not limited to changes to the design, location, or other site work, shall require approval by the Cape Cod Commission through its modification process, pursuant to the Commission's *Enabling Regulations*. The Applicant shall submit to the Commission any additional information deemed necessary to evaluate any modifications to the approved plans.

GC6. Prior to the issuance of a Building Permit for development, the Applicant shall seek and obtain a Preliminary Certificate of Compliance from the Commission that states that all conditions in this decision pertaining to issuance of a Preliminary Certificate of Compliance/Building Permit have been met. Such Certificate of Compliance shall not be issued unless all conditions connected to the Preliminary Certificate of Compliance have been complied with.

GC7. Prior to the issuance of a Certificate of Use/Occupancy, the Applicant shall seek and obtain a Final Certificate of Compliance from the Commission that states that all conditions in this decision pertaining to issuance of a Final Certificate of Compliance/Certificate of Use/Occupancy have been met. Such Certificate of Compliance shall not be issued unless all conditions connected to the Final Certificate of Compliance have been complied with.

GC8. The Applicant shall notify Commission Staff in writing at least thirty (30) calendar days prior to its intent to seek each Preliminary and each Final Certificate of Compliance. Such notification shall include a list of key contact(s), along with their telephone numbers, mailing addresses, and email addresses, for questions that may arise during the Commission's compliance review. Commission Staff shall complete an inspection under this condition, if needed, and inform the Applicant in writing of any deficiencies and corrections needed. The Commission has no obligation to issue any Certificate of Compliance unless and until all conditions are complied with.

GC9. The Applicant agrees to allow Commission Staff to enter onto the property, which is the subject of this decision, after reasonable notice to the Applicant, for the purpose of determining whether the conditions contained in this decision including those required prior to issuance of the Preliminary and Final Certificates of Compliance have been met.

Historic Preservation and Community Character

HPCCC1 Prior to issuance of a Preliminary Certificate of Compliance the Applicant shall submit a Landscape Plan for Staff review and approval to ensure compliance with MPS HPCC2.10.

SUMMARY

The Cape Cod Commission hereby approves with conditions the application of Cahoon Museum of American Art, Inc., for the construction of a 3,566 s.f. addition at 4676, Falmouth Road in Cotuit, MA as a DRI as outlined in this decision pursuant to Sections 12 and 13 of the Act, c. 716 of the Acts of 1989, as amended.

Michael A. Blanton

Michael Blanton, Commission Vice-Chair

12-1-11

Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

December 1, 2011

Before me, the undersigned notary public personally appeared Michael A. Blanton, in his capacity as Vice-Chairman 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

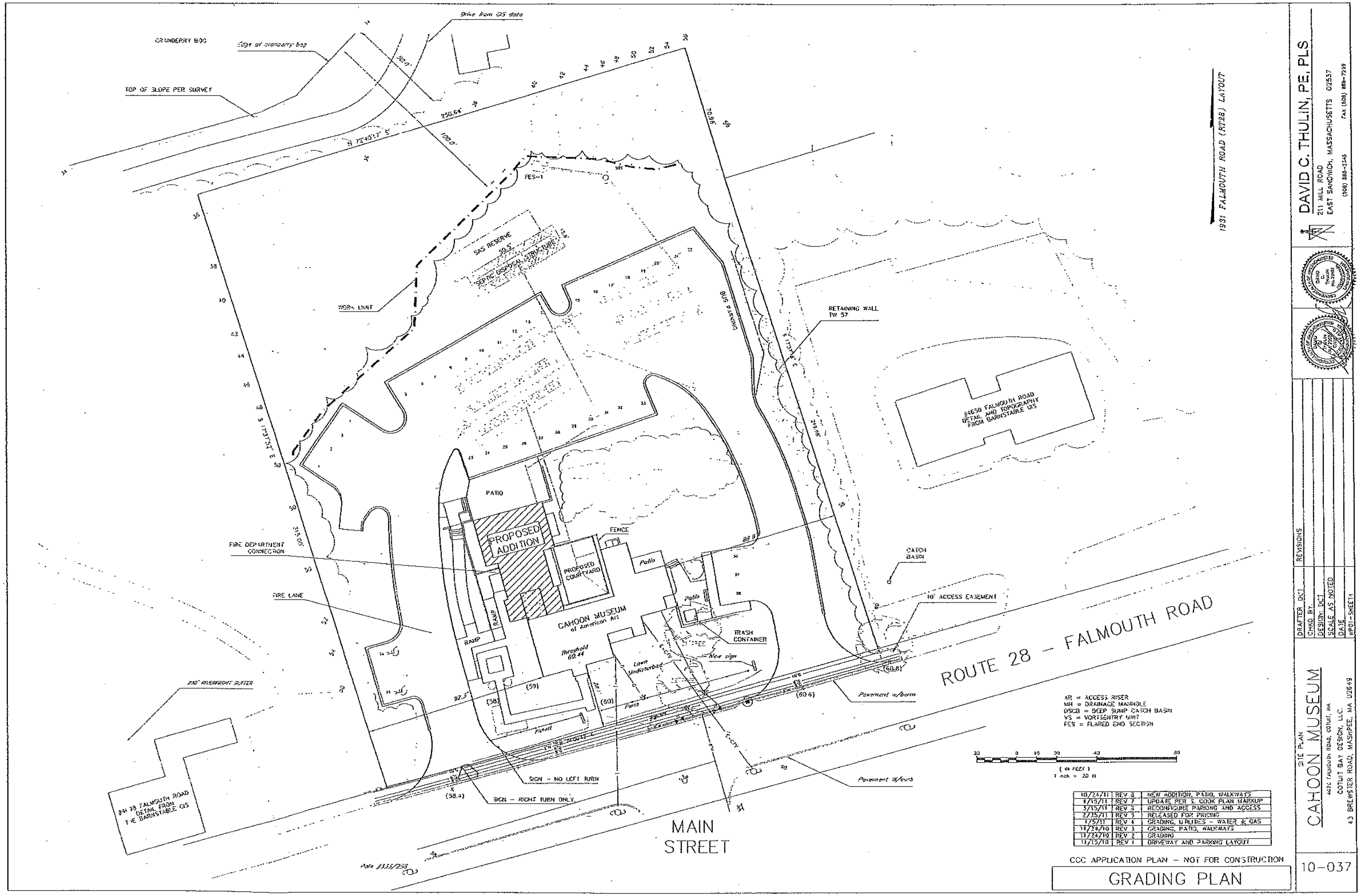
Notary Public

My Commission Expires:

9.28.18

GAIL P. HANLEY
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
September 28, 2018

EXHIBIT A



CRANBERRY BOG
Edge of cranberry bog
Drive from GIS data
TOP OF SLOPE PER SURVEY
SAS RESERVE
SEPTIC DISPOSAL STRUCTURE
FES-1
BUS PARKING
RETAINING WALL
PATIO
PROPOSED ADDITION
PROPOSED COURTYARD
FENCE
FIRE DEPARTMENT CONNECTION
FIRE LANE
RAMP
CAHOON MUSEUM of American Art
Patio
TRASH CONTAINER
New sign
Lawn Undisturbed
CATCH BASIN
10' ACCESS EASEMENT
ROUTE 28 - FALMOUTH ROAD
MAIN STREET
Pavement w/berm
Pavement w/curb
SIGN - NO LEFT TURN
SIGN - RIGHT TURN ONLY
#4650 FALMOUTH ROAD DETAIL AND TOPOGRAPHY FROM BARNSTABLE GIS
1931 FALMOUTH ROAD (RT28) LAYOUT
AR = ACCESS RISER
MH = DRAINAGE MANHOLE
DSCB = DEEP SUMP CATCH BASIN
VS = VORTSENTRY UNIT
FES = FLARED END SECTION
(IN FEET)
1 inch = 20 ft.
10/24/11 REV 8 NEW ADDITION, PATIO, WALKWAYS
4/15/11 REV 7 UPDATE PER S. COOK PLAN MARKUP
3/15/11 REV 6 RECONFIGURE PARKING AND ACCESS
2/25/11 REV 5 RELEASED FOR PRICING
1/5/11 REV 4 GRADING, UTILITIES - WATER & GAS
11/24/10 REV 3 GRADING, PATIO, WALKWAYS
11/24/10 REV 2 GRADING
11/15/10 REV 1 DRIVEWAY AND PARKING LAYOUT
CCC APPLICATION PLAN - NOT FOR CONSTRUCTION
GRADING PLAN
DAVID C. THULIN, PE, PLS
211 MILL ROAD
EAST SANDWICH, MASSACHUSETTS 02537
(508) 888-2345
FAX (508) 888-7259
REVISIONS
DRAFTER: DCT
CHKD BY:
DESIGN: DCT
SCALE: AS NOTED
DATE:
WP01-SHEET1
SITE PLAN
CAHOON MUSEUM
4676 FALMOUTH ROAD, COTUIT, MA
COTUIT BAY DESIGN, LLC
43 BREWSTER ROAD, MASHPEE, MA 02649
10-037