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Town of Barnstable
Hyannis Main Street Waterfront Historic District Commission

www.townofbarnstable.ma.us/hyannismainstreet

To all persons deemed interested or affected by the Town of Barnstable's Hyannis Main Street Waterfront Historic District Commission Ordinance under Chapter 112, Article III of the Code of the Town of Barnstable, you are hereby notified that a hearing was held at Town Hall, 367 Main Street, Hyannis, MA Selectmen's Conference Room, 2nd Floor at 6:30 pm on **Wednesday, February 21, 2018.**

MINUTES

Members Present: Taryn Thoman, David Colombo, David Dumont, Betsy Young, Timothy Ferreira

Members Absent: Paul S. Arnold, Marina Atsalis and John Alden

Staff Present: Karen Herrand, Principal Assistant, Planning & Development Dept.

An announcement was made by Vice Chair Taryn Thoman, stating the meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A, §20; and requested that anyone taping this meeting to please make their presence known.

Continued Business

Raphael Oliveira d/b/a Discovery Insurance Agency – 668B Main street, Hyannis – Map 308 Parcel 049
Paint colors and signage

No one in attendance for this application. This will have to be re submitted. The Applicant has not shown up for the last two hearings.

Vice Chair Taryn Thoman states that the Applicant's will have to withdraw/resubmit their application, it has been more than 60 days.

New Business

Daniel Smith d/b/a Smith Family Popcorn – 545 Main Street, Hyannis – Map 308 Parcel 130
Signage and Awning

Daniel Smith in attendance.

David Colombo asks if the sign, is wooden and clarifies location of, gable end of the roof.

Daniel Smith replies yes. This is the old Mrs. Mitchells gift shop. This will be an oval sign. Will go well with the carousel, Main Street, USA vibe/atmosphere.

David Dumont asks about the material/letters of the main sign, see Exhibit A.

Daniel Smith answers, PVC composite, by Sign It, with flat letters.

Vice Chair Taryn Thoman asks if retail, is this the brand, different flavors of popcorn?

Daniel Smith states yes, this is him, his brand, open year round and also online sales.

Motion entertained by Vice Chair Taryn Thoman, moved by Betsy Young to accept application as submitted, seconded by David Dumont, so voted unanimously.

Other Business

Approval of February 7, 2018, Minutes

Motion entertained by Vice Chair Taryn Thoman, moved by David Colombo, seconded by Betsy Young, so voted unanimously to accept/approve minutes as presented.

Matters not Reasonably Anticipated by the Chair

Vice Chair Taryn Thoman refers to Chapter 241, Administrative Code, Article III. Multiple-Member Appointive Organization, § 241-42. Hyannis Main Street Waterfront Historic District Commission, B. Authorities and responsibilities. (1). Exhibit B.

The Hyannis Main Street Waterfront Historic District Commission seeks to promote the educational, cultural, economic and general welfare of the Town of Barnstable, and the Town's unique community character through the preservation and protection of the distinctive characteristics of buildings, structures and places significant in history and architecture within the boundaries of the District, and through the preservation, maintenance and improvement of appropriate settings for such buildings, structures, and places..

(2) *The Commission is an advisory and regulatory commission of the Town, pursuant to Chapter 40C of the General Laws..*

Vice Chair Taryn Thoman refers to - Portion of Chapter 40C from the Mass General Laws. Submitted document, Exhibit C.

No building permit for construction of a building or structure or for alteration of an exterior architectural feature within an historic district and no demolition permit for demolition or removal of a building or structure within an historic district shall be issued by a city or town or any department thereof until the certificate required by this section has been issued by the commission.

Vice Chair Taryn Thoman states that there is a home rule that states that one Board can be substituted for another. HHDC's review was substituted for the Planning Board.

Vice Chair Taryn Thoman refers to Chapter 241, Administrative Code, Article III. Multiple-Member Appointive Organization, § 241-42. Hyannis Main Street Waterfront Historic District Commission, C. Interrelationships, (1) (2) (3). Exhibit B.

- (1) *Town Council: The Hyannis Main Street Waterfront Historic District Commission interacts with the Town Council to ensure Town policy and legislation of interest to the district is preserved and enhanced.*
- (2) *Town Manager: The Hyannis Main Street Waterfront Historic District Commission interacts with the Town manager primarily to receive administration and financial assistance in pursuit of the Commission's activities. The Commission receives such assistance through the Historic Preservation Division of the Planning Department. The Commission further receives enforcement assistance through the Building Services Division of the Regulatory Services Department, and other Town agencies as appropriate.*
- (3) *Other boards: The Hyannis Main Street Waterfront Historic District Commission interacts with the Zoning Board of Appeals, the Planning Board, the Conservation Commission, the Board of Health, the Historical Commission, the Hyannis Main Street Waterfront Historic District Appeals Committee, the Licensing Authority, the Public Works Commission and the Economic Development Commission, in order to effectuate accomplishment of the Commission's responsibilities.*

Vice Chair Taryn Thoman states that their Town Council Liason, James Tinsley has never appeared at a meeting here in 4 years and he was reelected as our Council Liason to this Commission. Is everyone aware?

Timothy Ferreria states he has never been here since he has been on this Commission.

Discussion re getting a response from Town Council and the confusion regarding the regulatory process.

David Colombo comments that it would be a courtesy to have someone come. Once initiated they don't have to include/come before us. Some sort of answer would be good, what is our jurisdiction. Some/one of the Town Councilor's should come as a common courtesy, possibly, Jen Cullum and/or James Tinsley.

Vice Chair Taryn Thoman asks/thinks we should contact the Town Manager, possibly to come? Hard to get any answers.

Vice Chair Taryn Thoman reads from Chapter 241, Administrative Code, Article III., § 241-42 (2). Hyannis Main Street Waterfront Historic District Commission, Exhibit B:

(2) Town Manager: The Hyannis Main Street Waterfront Historic District Commission interacts with the Town Manager primarily to receive administration and financial assistance in pursuit of the Commission's activities...enforcement

Motion entertained by Vice Chair Taryn Thoman to invite somebody from Town Manager's Office to come and give us the subcommittee's information (findings), moved by David Colombo to get a request to Town Manager's Office re clarification/review, seconded by Tim Ferreira, so voted unanimously.

Timothy Ferreira comments regarding a sign about parking, at the Patriot Press Bldg, there's a sign on Pleasant Street – Paid Parking.

David Dumont asks how enforcement works now? Bldg. Dept., this is very important. Applicant can do what they want.

Vice Chair Taryn Thoman asks about enforcement – she has made a call to the Bldg. Commissioner, to go over enforcement.

Discussion regarding signage already being used at the continued Applicant's property, at 668B Main Street and enforcement of.

David Colombo does think we should do something about this signage from our continued appln.

Motion entertained by Vice Chair Taryn Thoman to invite the Bldg. Dept/Bldg. Commissioner to come regarding enforcement, moved by David Colombo, seconded by David Dumont, so voted unanimously.

Vice Chair Taryn Thoman reads a letter into record from Preservation Mass addressed to Ms. Kristy Senatori, Acting Executive Director at Cape Cod Commission, dated February 21, 2018, Exhibit D.

Dear Ms. Senatori,

I write on behalf of Preservation Massachusetts in regard to the Cape Cod Commission's February 22, 2018, hearing on Proposed Amendments to Chapter G/Growth Incentive Zone Regulations. We hope that this letter can be included as part of the public comments on this important matter.

Preservation Massachusetts (PM) is the statewide non-profit historic preservation organization dedicated to preserving the Commonwealth's historic and cultural heritage. Established in 1989, PM is supported entirely by members and concerned citizens. The organization works in partnership with national, state and local preservation organizations and individuals across the Commonwealth to promote the preservation of historic buildings and landscapes as a position force for economic development and the retention of community character.

PM has been active in many Cape Cod communities over the years, especially through its Circuit Rider Program, which aims to deliver mentoring support, educational assistance, and technical resources directly to those facing preservation challenges or projects. PM has recently been active in Hyannis, after we included Sea Captains Row among our list of Massachusetts' Most Endangered Historic Resources in 2016, responding to the nomination of the properties by The Keepers of Sea Captains

Row. Indeed, our comments in this letter relate to what we observed working with community members in Hyannis who were trying to encourage the preservation of the National Register-listed homes on Sea Captain's Row.

Specifically, Preservation Massachusetts believes strongly that any proposed alterations to or demolition of historic resources within a GlZ should still receive the appropriate review of the local Historical Commission or Historic District Commission, and that these Commissions' power of review should not be negotiated away (or transferred to the Town Planning Board or other entity whose main purpose and expertise is not related to the identification and preservation of historic resources) as part of the negotiation of Regulatory Agreements allowed in the GlZ in order to expedite new development.

We believe that once a building (or group of buildings) has been deemed historically or architecturally valuable by the local Historical Commission and the building's preservation understood to be critical to preserving community history and character (or to retaining the integrity of the National Register and/or Local Historic District of which it might be a part), at the very least, any changes to such buildings should go through the proper review and demolition delay processes. This should happen regardless of whether the historic structure happens to be in the GlZ and especially if it helps to preserve the integrity of a previously designated National Register or Local Historic District. Further, we respectfully recommend that requests for waivers of this review in Regulatory Agreement applications should not be possible.

The demolition of a historic structure is an irreversible act. If the community, via its duly appointed Historical Commission or Historic District Commission, has determined through its statutory processes that a given resource or group of resources is historic and should be preserved, this determination should not be summarily ignored or undone through Regulatory Agreements and other agreements with potential developers simply to shorten the development project timeline.

We believe that the waiver of Historic District Commission review as part of the Regulatory Agreement approved for Sea Captain's Row represents a troubling precedent and could pave the way for widespread loss of historic buildings in Hyannis. Once these historic buildings are demolished, they are gone forever, and a compelling image of Hyannis' past as a major seafaring port will be erased. While the historic resources section of the Hyannis GlZ renewal application under review identifies its goal as "To preserve and protect the historic resources within the GlZ that contribute to its unique architectural character and tell the story of Hyannis development from a maritime port to a tourist destination," the current project approved for Sea Captain's Row clearly fails to achieve that goal. We sincerely hope that achieving this goal will be a high priority in any future proposals involving historic resources within the GlZ.

Thank you very much for the opportunity to express our opinion on the Growth Incentive Zone Regulations as they relate to the preservation of historic resources within a GlZ. Please feel free to contact me to discuss this issue further or to talk about ways that PM can continue to support the Cape Cod Commission in its efforts to encourage economic development, the preservation of historic resources, and the conservation of community character – which we strongly believe are highly compatible pursuits.

Sincerely,
James W. Igoe, President

Vice Chair Taryn Thoman has a Staff Report from the Cape Cod Commission from a couple years ago, 2006, that anticipated this problem of the GlZ and historic preservation. She would like this to go out in the Commission's next packet.

Next HHDC meeting scheduled for March 7, 2018

Motion entertained by Vice Chair Taryn Thoman to adjourn, moved by Betsy Young, seconded by David Colombo, so voted unanimously.

The meeting adjourned at 7:10 p.m.

Respectfully submitted
Karen A. Herrand

List of Exhibit Documents

Exhibit A – Picture of Sign – 545 Main St., Hy Map/Par – 308/130 – Smith Family Popcorn

Exhibit B - Chapter 241, Administrative Code – Article III. Multiple-Member Appointive Organization § 241-42. Hyannis Main Street Waterfront Historic District Commission

Exhibit C – Portion of Mass General Laws, Chapter 40C

Exhibit D – Letter from Preservation Mass to Cape Cod Commission dated February 21, 2018

200 Main Street, Hyannis, MA 02601
367 Main Street, Hyannis, MA 02601