



Town of Barnstable
Hyannis Main Street Waterfront Historic District Commission
www.townofbarnstable.ma.us/hyannismainstreet

19 MAY -3 PM 2017

BARNSTABLE
TOWN CLERK

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 is being held at Town Hall, 367 Main Street, Hyannis, MA Selectmen's Conference Room, 2nd Floor at 6:30 pm on **Wednesday, April 3, 2019.**

APPROVED AS AMENDED MINUTES

Members Present: Cheryl Powell, Taryn Thoman, David Dumont, David Colombo, ~~Cecilia~~ Cecelia Carey, Betsy Young, and Jonathan Kanter

Members Absent: Marina Atsalis and Tim Ferreira (excused absence)

Staff Present: Karen Herrand, Principal Assistant, Planning & Development Dept. and Paul Wackrow, Principal Planner, Planning & Development Dept.

An announcement was made by Cheryl Powell, Chair, 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. *Please silence your cell phones.*

Call to Order

Roll Call

Welcome to New Members, Special Guests, and Advisors

Housekeeping

Clarification of the Mullin Rule information: Taryn Thoman reads into record, Exhibit A;
"In 2006 the Massachusetts legislature enacted a law to provide some relief to the applicant when a board member misses a meeting. The law, Section 23D of Chapter 39 of the General Laws ("Section 23D"), was approved in May of 2006. Section 23D permits the board member to vote despite having missed a meeting if the member certifies in writing that he or she has examined all evidence received at the missed session, including an audio or video recording (or transcript) of the session. While helpful, Section 23D is not a perfect remedy. Before a board can take advantage of Section 23D, the municipality must accept the new statute by vote of its town meeting or city council. Moreover, the board member may only miss one meeting if the member misses more than one, that member's vote is invalid"

Reminder of Commission's Purpose and Proper Procedure

Chair Cheryl Powell reads into record: Purpose of the Commission Section 112-24 read into record, Exhibit B:
"The purpose of this article is to promote the educational, cultural, economic and general welfare of the inhabitants 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 the history and architecture of Barnstable, and through the preservation, maintenance and improvement of appropriate settings for such buildings, structures, and places, and the encouragement of new design which is compatible with the existing historical and community character, and through the benefits resulting to the economy of said Town by preserving and enhancing the amenities and historical aspects of the various villages and areas which make Barnstable a desirable place to live and for tourists to visit."

New Business

JW Construction Inc. – 66 School Street, Hyannis – Map 327 Parcel 238

Parking area, walkway and planting bed

John Wardwell from JW construction in attendance. He gives an explanation of the proposed work. Would like to remove asphalt on front, School St. side. Install Vineyard blend pervious pavers, this would eliminate impervious there now, red brick walkway, traditional for the walkway. Planting bed in front of the porch. Border with aqua pavers with a piece of granite stone for curb of the pavement, and will work with the Town to replace the sidewalk/repair as well.

Drawn out sketch of where pavers, bed and materials will go, Exhibit C, also he passes around a sample of the paver.

Chair Cheryl Powell asks for public comment - None.

David Dumont clarifies the use of the building, commends him for this project.

John Wardwell replies that it is a mixed use building. It was previously a doctor's office. Now it's two residential units upstairs and the first floor will be their own office.

Chair Cheryl Powell and David Colombo commend Mr. Wardwell for a nice job/project.

Chair Cheryl Powell entertains a motion to make Findings, moved by David Dumont, seconded by Jonathan Kanter, so voted unanimously.

Chair Cheryl Powell entertains a motion to grant the Certificate of Appropriateness, moved by David Dumont to approve/grant as described for 66 School Street, seconded by Jonathan Kanter, so voted unanimously.

Jose Aguilar for Zou LLC – 376, 378, 382 Main Street, Hyannis – Map 327-001

Repair – Existing Signage

Jose Aguilar in attendance. He explains that he would like to remove the rotted wood at this building/3 storefronts/repair. Would like to replace with Azek material, no change to the existing signage. He refers to pictures submitted, Exhibit D, pictures of damage/rot in the wood.

Jose Aguilar asks if he can remove the plywood and then put Azek material up?

David Colombo asks why is this application here, this is a like for like repair. Applicant should not be here/clarification of this. This appearance is a like for like. This may be something that the Building Dept. should have determination of, material.

Paul Wackrow replies, possibly that it was a change of material, directs to Chair.

Chair Cheryl Powell clarifies that it was the change of material, also it's to see that things come to the Commission. Some are obvious and then some are not what they seem. Would like the Commission to see all.

David Colombo states that maybe it should be something to come before the Bldg. Dept. they can make the call regarding the materials to be used – this is a grey area.

Chair Cheryl Powell asks for public comment – none.

Chair Cheryl Powell entertains a motion on the Findings, moved by David Colombo to allow removal of the rotted plywood and replace with Azek like material, like color and affix the signage back on, and this is compatible with preservation and protection of the district, seconded by Jonathan Kanter, so voted unanimously.

Chair Cheryl Powell entertains a motion for the Certificate of Appropriateness, moved by Taryn Thoman, for applications: 376, 382, and 378 Main Street as described in the submitted materials, seconded by Jonathan Kanter, so voted unanimously.

Chair Cheryl Powell moves items out of order on the Agenda.

Old Business

Update on Communication with Building Dept. and Enforcement

Chair Cheryl Powell states that she did speak with Brian Florence, the Bldg. Commissioner and they have a meeting on Friday at 9:30.

Other Business

Amended March 6, 2019, Minutes – correction to be made.

Chair Cheryl Powell entertains a motion to reopen the minutes of March 6, 2019, for correction, moved by Taryn Thoman, seconded by David Dumont, so voted unanimously.

Amend as follows: – strike Elizabeth Jenkins in header of attendance.

Betsy Young makes a motion to accept the minutes as amended from March 6th, 2019, seconded by Taryn Thoman, so voted unanimously.

Approval of March 20, 2019, Minutes

Chair Cheryl Powell - Pg. 2, 4th line down insert "the Building Dept. is drafting the letter for the enforcement".

Betsy Young – Pg. 1, correct/switch mother and daughter names – insert as "Heather Machero, mother and Sophia Machero, daughter"

Chair Cheryl Powell entertains a motion to accept the minutes of March 20, 2019, as amended, moved by Taryn Thoman, seconded by Jonathan Kanter, so voted unanimously.

Matters not Reasonably Anticipated by the Chair

David Dumont asks for an explanation of what a motion for findings is?

Paul Wackrow explains new procedure and under Section 112 ordinance of the Historic District it calls out certain procedures and clarifies that the Commission should make a determination that an application is compatible with the preservation and protection of the district. This clarifies it for the record.

David Colombo publicly commends the great job that Chair Cheryl Powell is doing for the Commission. David Dumont agrees.

Continued Business

Certificate of Appropriateness

Verizon New England, Inc. – 49 Ocean Street, Hyannis – Map 326 Parcel 025

Proposed reinforcement and 50 +/- ft. extension to existing tower

Continued from November 7, 2018, January 16, 2019, February 6, 2019, and February 20, 2019

Chair Cheryl Powell asks if anyone would like to recuse themselves from this matter.

David Dumont and Betsy Young recuse themselves from the Verizon applications.

Chair Cheryl Powell reads the Request to Continue, letter from Attorney Ford, dated April 1, 2019 into record, Exhibit E.

Dear Members of the Commission: Please accept this letter as a formal request for continuance for Verizon's pending Certificate of Appropriateness and Certificate of Hardship applications, scheduled to be heard on April 3rd 2019. Unfortunately, due to unexpected circumstances, a member of our project management team for Verizon will be unable to attend the meeting. As a result, the Applicant requests that the matter be continued to your May 1st, 2019 hearing date. If you have any questions or need anything further from our office for your file just let me know. Thanks as always for your time and consideration. Jeffrey M. Ford, Esq.

Taryn Thoman asks if this is the same letter that keeps being submitted? Asks if an additional letter received from a citizen can be read into record.

Chair Cheryl Powell states that she understands it to be medical issues with Verizon's project manager.

Chair Cheryl Powell does not feel comfortable reading into record correspondence/letter where the applicant is not present to address or make comment on. She will read into record when the applicant is present.

David Colombo asks if the continuances have all been because of their issues with the project manager?

Paul Wackrow replies that there have been different reasons, the last two requests have been due to their project manager not being able to attend.

Taryn Thoman states that there is a lot of public interest in this and we need to move on. Suggests to accept this continuance and no more after May 1, 2019.

Chair Cheryl Powell entertains a motion for continuance for a Certificate of Appropriateness, moved by Taryn Thoman to accept the continuance for the Applicant Verizon to May 1, 2019, with the stipulation that there be no further continuances, seconded by Jonathan Kanter, so voted unanimously, by all present – (David Colombo, Jonathan Kanter, Cecelia Carey, Taryn Thoman and Cheryl Powell) .

Certificate of Hardship

Verizon New England, Inc. – 49 Ocean Street, Hyannis – Map 326 Parcel 025

Proposed reinforcement and 50+/- ft. extension to existing tower

Chair Cheryl Powell entertains a motion for continuance for a Certificate of Hardship, moved by Taryn Thoman to accept the continuance for the Applicant Verizon to May 1, 2019, with the stipulation that there be no further continuances, seconded by Jonathan Kanter, so voted unanimously, by all present – (David Colombo, Jonathan Kanter, Cecelia Carey, Taryn Thoman and Cheryl Powell).

Noted by Chair Cheryl Powell that there is a Quorum.

Matters not Reasonably Anticipated by the Chair

Taryn Thoman: Question regarding Commission/Board members being sued in their capacity.

Town Attorney Ruth Weil in attendance, replies anyone can be sued. There is an ability for any board member to be sued in individual and official capacity as a board member. Normally the Town will defend, depending on the circumstances, to remove the lawsuit, exceptions would be the individual acting outside the scope of their responsibility, based on conduct. Circumstances where member acts inappropriately the Town may not defend. Working on a code of conduct for board members now. The onus is not on the Town but on the individual to act appropriately.

Adjournment

Chair Cheryl Powell entertains a motion to adjourn, moved by Jonathan Kanter, seconded by Taryn Thoman, so voted unanimously.

Next HHDC meeting scheduled for April 17, 2019

The meeting ended at 7:24 p.m.

Respectfully submitted
Karen A. Herrand

List of Exhibit Documents

- Exhibit A** – MGL Section 23D – Mullin information read into record – Vice Chair Taryn Thoman
Exhibit B – HHDC Chapter §112-24 Purpose read into record – Chair Cheryl Powell
Exhibit C – 66 School St., Hy – Map/Par 327/238 picture/site plan sketch of property
Exhibit D – 376, 378, 382 Main St., Hy – Map/Par 327/001 pictures of damage
Exhibit E – Verizon Tower Map/Par 326/025 – letter request continuance for COA and COH applications