



**Town of Barnstable
Hyannis Main Street Waterfront Historic District Commission**

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BARNSTABLE
TOWN CLERK

DEC 21 P2:48

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, December 5, 2018.**

APPROVED AS AMENDED MINUTES

Members Present: Cheryl Powell, Betsy Young, Marina Atsalis, Taryn Thoman and Timothy Ferreira and David Dumont

Members Absent: David Colombo

Staff Present: Karen Herrand, Principal Assistant, Planning & Development Dept. and Paul Wackrow, Principal Planner, Planning & Development Dept., ~~Elizabeth Jenkins, Director, Planning & Development Dept., and Ruth Weil, Town Attorney.~~

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

New Applications

Sandeep Patel – 447 Main Street, Hyannis – Map 308 Parcel 081-001
Roof replacement/change of color

Sandeep Patel in attendance, owner of Cape Cod Inn and Duck Inn Pub. He gives a brief explanation of the proposed roof replacement. He would like to change the color, it's a grey color now. He would like to do a Cottage Red. There is a brick façade on the bldg.

David Dumont states that you can see this from South Street.

Chair Cheryl Powell clarifies that the colonial grey would be a back up color if not the red.

Paul Wackrow confirms nothing in their ordinance that prevents this color red.

Dave Dumont clarifies that this will be red, but architectural style.

Sandeep Patel replies yes.

Chair Cheryl Powell clarifies the red not being exclusive use for Coastguard?

Marina Atsalis replies that this would only be near the harbor.

Motion made by Marina Atsalis to accept the application as presented, cottage red color for the roof/architectural shingles, seconded by Taryn Thoman, so voted unanimously.

Other Business

Update related to 2006 Downtown Hyannis Growth Incentive Zone Cape Cod Commission Staff Report

Paul Wackrow explains the handout, Exhibit A, Staff Report re 2006 Growth Incentive Zone (GIZ) application. This part pertains to historic. The GIZ has been reauthorized since.

Density, need for development design guidelines, and comprehensive inventory of historic resources in Downtown Hyannis. There was an increase in 2006 in density, refers to 1st paragraph, Exhibit A. Next week the Planning Board will be hosting a workshop, Monday, Dec. 10, 2018, at 5:30, see Exhibit B. The "East End Hyannis Planning Area Workshop". Cape Cod Commission will be doing this community meeting workshop. Probably another 2 or 3 of these workshops in the future regarding this process, also talking about rehabilitation.

Taryn Thoman reads from Exhibit A, first paragraph, second sentence: *"The Hyannis Historic District was created with sufficient power and adequate guidelines to protect historic buildings in the district from demolition or inappropriate changes."*

Comments that the Town took away Chapter 40c state authority to vote on these things when it comes to regulatory agreements and she thinks this was warning HHDC to be careful about protecting historic buildings from demolition. Five bldgs that are on the Mass Preservation list are going to be demolished. Can we figure out when HHDC rights were taken away and when regulatory agreements came into effect?

Paul Wackrow replies that he does not know the history of how that would have come about, regulatory agreement process came into effect. Reviews the process for a regulatory agreement.

David Dumont confirms when he had gotten a regulatory agreement for his project on Elm Ave.

Taryn Thoman quotes from Exhibit A, 2nd paragraph, line 6: *"It may also be necessary for the town to develop some concrete examples of how historic buildings may be expanded within the GIZ without damaging their historic integrity. Such development design guidelines would help to address the potentially opposing interests of preservation and redevelopment."*

Paul Wackrow refers to a Power Point presentation, Downtown Hyannis Design & Infrastructure Plan. How new development interacts.

Taryn Thoman comments that a subcommittee was formed by Town Council with some recommendations and one of the first points was that this board would have a vote. Can we follow up and get a timeline of when we can employ the findings of this subcommittee?

Paul Wackrow replies that he can look into this.

Marina Atsalis comments about a previous hotel done on Ocean Street where changes were made from the original plans/roof, this was a regulatory agreement. The former Town Manager had allowed the changes/signed off from the original plans.

Discussion regarding minor modifications for regulatory agreements.

Taryn Thoman refers to Exhibit A, asks if when this was being formed the CCC was warning everyone that in this small area of the historic district that there were going to be opposing forces and that HHDC would have to work hard to protect historic buildings. Wondering when Chapter 40c state authority got taken away and how that happened - home rule. Chapter 40c states that we have authority over demolition. What is the home rule meaning?

Paul Wackrow replies that as far as Chapter 112 is concerned it is a 40c district/commission.

Chair Cheryl Powell comments/clarifies that the original intent of the historic district was to protect and preserve the character of the historic buildings and to also work together with other entities.

Paul Wackrow refers to Exhibit A, last paragraph and the inventory of commercial buildings, well over a hundred properties, refers to Power Point presentation. Mass Historical Commission. These are in/on the MACRIS inventory database. This tool can get information on a lot of historic properties.

Discussion re MACRIS and the inventory - 150 bldg's in total - several dozen more.

Update related to 2006 Downtown Hyannis Growth Incentive Zone Cape Cod Commission Staff Report
Possible sub-committees

Chair Cheryl Powell reads Bldg. Commissioner Brian Florence's email into record, Exhibit C:

"Hi Cheryl,

No worries, we are here to serve the Commission as their enforcement arm and we will work diligently to fulfil that role. Thank you for stopping the letter, and you are correct that the Commission has no role in enforcement. Enforcement sounds simple on the surface but is really a complex series of tasks that must consider one thing throughout the entire process; that is setting the stage for court. It takes a lot of training with things like probable cause, rights of entry and rules of court proceedings in order to have a successful case, one false move on the way to court and our case will get thrown out which is a waste of everyone's time and we miss our chance for compliance. A case dismissed can be the same as over ruling your authority. You don't know this yet but Inspectional Services is completely revamping "enforcement" or Code Compliance Procedures for the Town of Barnstable, the Commission is included in this effort. I wouldn't worry about making templates for letters at this time as we have something that we will be proposing to the Commission that works with our computer system. We will introduce that template to the Commission if/when the Town Manager approves our procedures manual. Once that is done Robin, Karen and I will work with you and the Commission to come up with a "friendly voluntary compliance letter" that will advise our citizens that there is an issue and that the Commission is here to help. The letter will inform them that they need to work with you to resolve their issue, or the Commission will be required to forward a complaint to Inspectional Services for processing. For now a list of questions/issues would be great. Looking forward to working with you, Brian."

Chair Cheryl Powell proposes forming a sub committee to the Commission/asks if anyone would be interested in this and preparing a list of questions/issues moving forward.

David Dumont suggests it may work better if we do this as a board.

Discussion if anyone interested/follow up. Thoughts on questions for this. Template letter suggestions.

Paul Wackrow explains that the permitting software has been improved and more consistent now.

Approval of October 17, 2018, Minutes

Taryn Thoman requests amendment to:

Pg. 3, under Matters not Reasonably Anticipated by the Chair – 7th paragraph insert the word "guidelines" after - David Colombo state's different.

She asks if this can be followed up on, find these guidelines?

Paul Wackrow clarifies if specific to signage and/or development – Taryn Thoman replies anything that we have purview over.

Chair Cheryl Powell entertains a motion to approve October 17, 2018, minutes as amended, moved by Marina Atsalis, seconded by Taryn Thoman, so voted unanimously.

Approval of November 7, 2018, Minutes

Chair Cheryl Powell, pg. 1 under Call to Order – delete “seconds the motion” and insert “states she will second”
Taryn Thoman, pg. 3, 3rd line – insert “Cheryl Powell leaves the room.”
Taryn Thoman, pg. 3, under Public Comment, line 5, – insert “by those present.”
Taryn Thoman, pg. 3, under Public Comment, line 7 – insert “by those present.”
Chair Cheryl Powell, pg. 4, line 11, insert “Acting Chair” before Dave Dumont.
Taryn Thoman, pg. 4, line 17, delete “Cheryl Powell” and insert “Marina Atsalis”
Taryn Thoman, pg. 4, line 19, insert “seconded by Marina Atsalis”

Motion made by David Dumont to approve November 7, 2018, minutes as amended, seconded by Taryn Thoman, so voted unanimously.

Matters not Reasonably Anticipated by the Chair

Next HHDC meeting scheduled for December 19, 2018

Discussion regarding next meeting on December 19th, 2018, hearing and cancellation of January 2, 2019, hearing.

Motion made by Taryn Thoman to cancel the January 2, 2019, meeting, seconded by Dave Dumont, so voted unanimously, Betsy Young abstains.

Motion made by David Dumont to adjourn, seconded by Taryn Thoman, so voted unanimously.

The meeting adjourned at 7:42 p.m.

Respectfully submitted
Karen A. Herrand

List of Exhibit Documents

Exhibit A – Excerpt from Cape Cod Commission Staff Report on 2006 Growth Incentive Zone Appln.
Exhibit B – Flyer – East End Hyannis Planning Area Workshop
Exhibit C – Email from Bldg. Commissioner Brian Florence – dated November 27, 2018