



**Hyannis Main Street Waterfront
Historic District Appeals Committee**

367 Main Street
Hyannis, Massachusetts 02601

BARNSTABLE
TOWN CLERK

19 OCT 28 A9:42

**MINUTES OF THE HYANNIS MAIN STREET WATERFRONT HISTORIC
DISTRICT APPEALS COMMITTEE HEARING
JANUARY 18, 2018**

APPROVED AS AMENDED

Members Present: Alison Alessi, Sarah Colvin, Kevin Bennett

Members Absent: None

Others Present: Elizabeth Jenkins, Director Planning & Development, Paul Wackrow, Principal Planner, Karen Herrand, Principal Assistant, Planning & Development. David Houghton, Assistant Town Attorney.

Town Council President, Eric Steinhilber calls the meeting to order.
He takes a roll call - All in attendance.

He reads the Charge of the Committee into record:

The Hyannis Historic District Appeals Committee is a multiple member appointed organization.
Chapter 241 Article III.

Term of office. There shall be a Historic District Appeals Committee consisting of three unpaid members appointed annually by the Town Council. The Committee shall include one member, where possible, from the Hyannis business community, one member, where possible, who is a resident of Hyannis, and one member, where possible, from the field of architecture or a related profession.

Authorities and responsibilities. The Historic District Appeals Committee decides on individual cases brought by persons seeking relief from a decision of the Hyannis Main Street Waterfront Historic District Commission. The decision of the Committee shall be determined by majority vote of the Committee members. If they determine that the Commission action is unsupported by the evidence, or exceeds the authority of the Commission, they may annul the Commission decision, or remand the case for further action by the Commission. The Historic District Appeals Committee is an advisory and regulatory committee of the Town pursuant to Section 5-1 of the Town's Home Rule Charter and Chapter 112, Historic Properties, Article III, of the Code of the Town of Barnstable, as amended.

Interrelationships.

Town Council: The Hyannis Main Street Waterfront Historic District Appeals Committee interacts with the Town Council in matters of policies and legislation concerned with the issues and problems relating to the preservation, protection and development of aesthetic values within the district.

Town Manager: The Hyannis Main Street Waterfront Historic District Appeals Committee interacts with the Town Manager and the administrative organization primarily through the Historic Preservation Division of the Planning Department, the latter which serves to interact with all other administrative agencies within the Town for the purposes of providing professional assistance to the Committee.

Other boards: As needed the Hyannis Main Street Waterfront Historic District Appeals Committee interacts with the Hyannis Main Street Waterfront Historic District Commission, the Historical Commission, the Zoning Board of Appeals, the Planning Board, the Board of Health, the Economic Development Commission, the Licensing Authority and the Public Works Commission in order to effectuate accomplishments of the Committee's responsibilities.

Town Council President Eric Steinhilber asks for nominations for Chair.

Sarah Colvin nominates Alison Alessi for Chair, seconded by Kevin Bennett, all voted in favor.

CapeBuilt LLC, Appellant

v.

Hyannis Main Street Waterfront Historic District Commission, Appellee

(On application of CapeBuilt Development, LLC for a Certificate of Appropriateness for renovations to 255 Main Street, Hyannis)

To all persons deemed interested or affected by the Town of Barnstable's Hyannis Main Street Waterfront Historic District Appeals Committee under Chapter 112, Article III of the Code of the Town of Barnstable, you are hereby notified that a public hearing will be held at Town Hall, 367 Main Street, Hyannis, MA, Planning & Development Conference Room, 3rd Floor at **5:45 P.M.** on Thursday, January 18, 2018.

The Public Hearing is opened.

Chair Alison Alessi reads the Appeal into record:

CapeBuilt Development, LLC has appealed the decision of the Hyannis Main Street Waterfront Historic District Commission (HMSWHDC) to disapprove the Appellant's request for a Certificate of Appropriateness for renovations to 255 Main Street, Hyannis. The HMSWHDC voted to disapprove the project on December 6, 2017 and issued a determination of disapproval on December 8, 2017. The Appellant seeks reversal of the HMSWHDC decision and grant of the Certificate of Appropriateness as requested. The subject property is located at 255 Main Street, Hyannis, as shown on Assessor's Map 327 as Parcel 247.

The meeting was called to order at 6:00 p.m.

Town Attorney David Houghton in attendance. He gives a procedural break down and advises of how this meeting/hearing should proceed.

Begin by allowing the Applicant to present its evidence and Hyannis Main Street Waterfront Historic District Commission's (HMSWHDC) proceedings/reasons for its denial.

Then open for public comment for anyone wishing to speak.

Followed by public comment, anyone wants to speak. Then allow Propellant/Applicant to make any responses/questions that were brought up. Then proceed with draft motions/findings – two sets of proposed motions and findings provided to Committee. These are to be reviewed and then decide which would be appropriate,

The Applicant, Rob Brennan, Capebuilt Development, LLC, in attendance. He explains and gives a history/background.

Timeline: He has spent two years working with the Town, McEvoy's, re the Sea Captain's Row Project, which is a Regulatory Agreement that he has undertaken with the Town/GIZ project. The process of how it consolidates matters/district bodies. The Planning Board and Town Council oversee these regulatory agreements. Sept. 11th, 2017, they submitted a letter to Hyannis Main Street Waterfront Historic District Commission (HMWHDC) to put them on their Agenda, to receive feedback re the project, even though there is no need to come before them - HMWHDC for this. With this project there will be preservation of the Patriot Press Bldg. and there are other buildings that are part of the project. They have been to other boards and organizations as well. There were individual members of the HMWHDC who spoke up against the project. The project did go through and was approved.

Now comes the 255 Main Street project and the historic preservation of. This is a very different building/project, that could be restored/renovated unlike the building's with the Reg. Agreement, project – Sea Captain's Row, that are too far gone.

This project was on Nov. 1st 2017, before the HMWHDC, this was after the Reg. Agreement project. There was no quorum on this date, so the meeting was continued to December 6, 2017.

He would like to present the project to this Committee fresh and he would like them to watch the video of this Dec. 6th 2017, HMWHDC meeting and let them see what transpired. He refers to HMWHDC Section 112-31e. This is the basis for this appeal - no basis for the denial.

The VIDEO of the HMWHDC Dec. 6th, 2017, Meeting is played/viewed.

Re the tape: Rob Brennan mentions the comment made by Taryn Thoman that it was not going to pass – was not approved and is not going to be approved. These particular three members did not state any reasons for denial and/or suggestions. Maybe there should have been a recusal. Also the failure of them not being able to make a quorum at the meeting (with possible recusal) could have resulted in a constructive grant. The two questions that Tim Ferreira asked are not within the purview for this Commission.

Chair Alison Alessi asks about clarification for the project, any other Boards?

Rob Brennan clarifies yes, Historic and the Site Plan and Bldg. permit, Site Plan addresses the parking issues.

Douglas Kallfelz, of Union Studio Architecture and Community Design, Providence. He gives a presentation of their work and the company. Reference to plans, Exhibit A. Review of floor plans, exteriors and windows. He passes around a flyer (window material) and clapboard sample material. Mixed use, apartment units upstairs.

Chair Alison Alessi asks about the front bump out, sidewalk not very wide here.
Douglas Kallfelz thinks 4 or 5 ft.

Assistant Town Attorney David Houghton directs to the Committee/reviews if the Applicant did present proposal correctly.

Chair Alison Alessi asks for any public comment.

David Colombo, whom is a member of HMWHDC, who was present and one of the three who voted/spoke in favor of this project, he states that this was a text book project. All the concerns were addressed. This is preservation of the bldg., this was properly done, one of the best projects in the twelve years that he has seen/been on the Commission. He has never seen anyone treated in the negative manner by the Board. They did not ask any questions. He thinks the Applicant deserves better consideration and should not be treated this way. This shouldn't happen again. Embarrassed that this happened. This should have been a unanimous decision.

John Alden also a member of HMWHDC, been on this Commission for 3 years. He was ashamed to be on this after this meeting. Everything was done appropriately. He could see on the faces of these three members that they were not going to be in favor of this, already decided. This is embarrassing.

Allan Goddard, Director of Hyannis Civic Association. He thinks that this was badly mishandled with the HMWHDC and that this is a wonderful project.

Jen Cullum wants to thank the Applicant for working on the Sea Captain's Row Project. She hopes that this Committee will move things forward, good for the Community.

Chair Alison Alessi asks for any comments from the Committee.

Sarah Colvin comments that she thinks this is a great project, it's a shame that this happened.

Kevin Bennett comments that he looked at the plans and by the looks of the video/meeting there was no solid reason why the bldg. should not be improved/enhanced, he didn't hear any sufficient information.

Chair Alison Alessi agrees and thinks that it is troubling that there was no feedback.

Elizabeth Jenkins refers to the draft findings, Exhibit B.

Break down the vote to two separate votes.

First, Part A –
Part B on the merits of the project.

Sarah Colvin reads the Findings into record:

In Favor of the Appellant
Findings:

The Hyannis Main Street Waterfront Historic District Appeals Committee finds that: Section 112-31(E) states the Hyannis Main Street Waterfront Historic District Commission (“the Commission”), when issuing a determination to disapprove an application, shall set forth in its disapproval the reasons for such determination.

The commission, in issuing their determination to disapprove the application, did not provide any reasons for a negative determination. The Failure to provide such reasons for disapproval is not in compliance with Section 112-31(E).

Motion made by Sara Colvin based on the findings, this Committee moves to annul the decision of the Hyannis Main Street Waterfront Historic District Commission to disapprove the application for renovations to 255 Main Street, Hyannis, seconded by Kevin Bennett, so voted unanimously.

Sarah Colvin reads into record:

In Favor of Grant of a Certificate of Appropriateness
Findings:

After consideration of the testimony given and materials submitted by the Appellant and members of the public, this Committee finds the proposed renovations to 255 Main Street appropriately contribute to the historic character of the Hyannis Main Street Waterfront Historic District. The Committee considered the materials, design, color, and context of the proposed renovations and found them to be appropriate for the protection and preservation of the district.

Motion made by Sarah Colvin based on these findings, the Committee votes to grant the certificate of appropriateness subject to the following conditions;

- 1.) The request is approved as presented in the application dated October 16, 2017, seconded by Kevin Bennett, so voted unanimously.**

Motion to close the Public Hearing, seconded by Kevin Bennett, so voted unanimously.

The meeting was adjourned.