FALMOUTH HISTORICAL COMMISSION
Civil Defense Rm, Falmouth Town Hall Town Hall Sq. Falmouth, MA
Tuesday January 7, 2020 at 6:00 PM

Present:
Ed Haddad, Chair
Chris Warner
Annie Dean
Lee Drescher, Alternate
Kara Foley
Corey Pacheco, Assistant Town Planner
Christian Valle, Vice Chair
April Merriam, Recording Secretary

AGENDA
Chair Haddad called the meeting to order at 6:05pm.

Public Comment: Public may comment on an issue that is not listed on the agenda—none

Continued Application: Discussion/Decision
19.54 Woods Hole Partners LLC 533 Woods Hole Rd. Dome Rehabilitation and New Construction
Deadline: January 9, 2020

Chair Haddad stated at the December 3, 2019 FHC meeting that the vote was deferred on this application to allow the board members to review and process all the information that was given to them. The role of the FHC was reviewed by Town Counsel, Frank Duffy and a letter was submitted to the board with his comments regarding the board’s purview. Chair Haddad read Mr. Duffy’s letter aloud in its entirety for the record: Subject—Commission’s Jurisdiction and Authority.

Clarification on Property Use: Chair Haddad clarified that other town boards dictate and mandate the use of a property. The FHC has no authority to talk about or change property use.

Chair Haddad stated that this property was proposed to be developed in 2009 as residential condominiums and approved by a different applicant. A covenant was put on the property by the WH Community Association that spoke about limiting the use of property for residential condominiums. It was changed by the current applicant to allow for multiple buildings. Town Meeting approved the Bylaw change that allowed for multiple buildings and was rezoned as this re-development of multiple buildings. The Planning Board, Cape Cod Commission and ZBA subsequently approved the use of the property for the current applicant. There is confusion as to the use and authority that this board has and whether this board should allow a condominium to be constructed on this property. This board does not have that authority and will not discuss the use issue.

Clarification on Architectural Features: This board is interested in this aspect of the application. Several town boards have spoken about architectural features during their presentations and this board made those comments available to the applicant. The applicant accommodated to the best of his abilities. We do not impose our will on what we like or don’t like. Our purview is discussion about appropriateness only.

Clarification on the Dome: This board was very interested in having this historic structure preserved and restored. The applicant prepared a very credible and detailed proposal for the Dome restoration and preservation and information for future preservation. This board has no reason to doubt the sincerity of the proposal. Experts spoke to this board about their role in the preservation and restoration proposal.
Chair Haddad asked the board if they had any questions and none were raised. Chair Haddad stated a prepared draft positive motion will be read. This board always prefers to approve an application rather than disapprove.

Motion: Ed Haddad/Kara Foley: Approve the application of Woods Hole Partners with the conditions as read by Chair Haddad.

Public: When will there be a discussion? Chair Haddad: This is not a hearing and the hearing was closed during the December 3, 2019 FHC meeting.

Vote: 4 yes; 1 no

Public: An audience member was told by a Town official that he shouldn’t come to the December meeting. Many people are here tonight to comment. He was asked to leave the room several times after screaming at the board.

Chair Haddad adjourned the meeting at 6:25pm.

Chair Haddad opened the meeting back up at 6:37pm.

Public Hearing: The Historical Commission will conduct a public hearing on each of the following Applications for Certificate of Appropriateness in accordance with the Falmouth Historic District Bylaw and M.G.L Chapter 40C:

<table>
<thead>
<tr>
<th>Application</th>
<th>Deadline</th>
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<tr>
<td>19.86 Donald S. Devaney 75 County Road Addition</td>
<td>February 14, 2020</td>
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Mr. Devaney was present. Application states: Construct an 8’x26’ addition on the shed style section of the building located at the east end of the property. Construction will match existing in general construction with framing to mimic existing rafter structure and wall framing. Exterior siding and roof will match existing. No change to the height of the structure.

Mr. Haddad: There is an error in the address. Correct address is 75 County Road.

Mr. Devaney stated the addition construction will match the existing house.

Public Comment: None

Board Comments: The addition looks good.

Motion: Ed Haddad/Christian Valle: Approve application as presented and application address changed to 75 County Road in North Falmouth.

Vote: Unanimous

Commission Discussion

Tom Renshaw and street lighting: Mr. Renshaw was absent.

Update Edward Marks/Poor House Advisory Committee: Mr. Valle asked Barbara Weyand, Chair, to comment on the last meeting. The Committee was advised by MHC to apply for a grant under their MPPF program rather than the Survey Grant program as it is a precursor to a construction project. If money is received, the current CPC fund request can be reduced.

Update: Historic District Markers: Kara Foley will contact Lilia Frantin of North Falmouth.

Update: Woods Hole historic district Water Street expansion: Chair Haddad was unable to attend the December, 2019 WH Business Assoc. meeting. Ms. Dean will contact Beth Colt.

Correspondence: Correspondence received December 2, 2019 to January 7, 2020

MHC letter from MPPF, MA Preservation Project Fund. There are workshops scheduled on January 9, 15th in Boston, and 23rd in Lee, MA, 28th in Boston and Feb. 4 in Holyoke, Feb 11 in Sandwich. Workshops will be held to give guidance in filling out applications.

Brochure: MHC for 42nd Annual Preservation Awards and applications submissions for the awards to be given out.
**David Epstein Letter**: Fern Lane, Woods Hole summer resident: Woods Hole Partners application.

**Ament/Klauer Letter**: Woods Hole Partners and application

**Approval of Minutes**: FHC Meeting December 5, 2019 (incorrect date)
Motion: Ed Haddad/Kara Foley: Approve December 3, 2019 meeting and amend minutes to reflect date change from Dec 5th to Dec 3rd.
Vote: Unanimous

**Proposals reviewed administratively—letters of non-applicability issued:**
19.71 399 Quissett Ave Margaret Jones Replace window
19.74 40 Main Street Barbara Riordan Storm Doors
19.79 9 Luscombe Ave Donald Estes Replace roofing
19.80 392 W.F. Hwy Elizabeth Moakley Replace roofing
19.81 395 Quissett Ave Todd Bourell Replace deck
19.82 16 Main Street Alison Martin Install gutter
19.83 704 W.F. Hwy Ann Ellis Replace sidewall shingles
19.85 375 West Falmouth James Pfieffer Roof and siding repairs
19.87 91 Palmer Avenue Cindy Moor Replace roof

**Next Meeting Dates**: February 4, 2019 Regulatory meeting
*Please note that agenda items may be taken out of order, per affirmative vote by the Board.

Chair Haddad adjourned the meeting at 6:45pm
Chapter 36 of the Code of Falmouth is known as the “Falmouth Historic District Bylaw.” It was originally adopted years ago and substantially amended in 2015 and approved by the Attorney General in 2016.

Section 36 – 1B recites the general purposes of the Bylaw as “to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics and architecture of the buildings and places significant in the history of the Town.” This section is not to be interpreted as a general grant of authority to the Falmouth Historical Commission (the Commission). This section is a statement of purpose used to interpret the other provisions of the bylaw.

Section 36 -5A recites that the Commission shall exercise its powers “as set forth and under the procedures and criterial established in this bylaw.”

The powers and duties of the Commission are limited by the provisions of section 36 – 6A. “Except as provided in this bylaw, no building or structure or part thereof within a district shall be constructed or altered in any way that affects the exterior architectural features visible from a public street, public way, public park or public body of water, without a certificate issued by the Commission.”

The Commission’s authority extends to visible exterior architectural features. By definition these include “… architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, the materials applied to exterior surfaces, and the type and style of windows, doors, lights, signs and other appurtenant features.”

During the course of a project’s planning and permitting, a developer may appear before multiple boards. The developer may apply to the Zoning Board of Appeals for a special permit related to use or density of development. The developer may apply to the Planning Board for site plan
review. The developer may apply to the Conservation Commission for an Order of Conditions to protect nearby wetlands or other resource areas. Each of these boards has its own discrete authority which is not subject to review, approval or disapproval by the Commission. In exercising its jurisdiction, the Commission must accept the parameters of development set by these other boards acting within the authority granted to them by statute or bylaw.

The Commission’s authority does not extend to interior matters or uses within any building allowed by the zoning bylaw. The Commission has no authority to control or regulate ownership. Whether a building is owned by a developer for rent or its units are sold to individuals as condominiums is of no concern to the Commission. This restriction on regulating ownership applies to all other boards as well. It is state law.

In performing its duties, the Commission may refer to its guidelines. But it must remember that guidelines are informational only, have no legal standing, and do not grant any authority to the Commission. The purpose of the guidelines is to assist “the … Commission in determining whether proposed work is appropriate to the preservation and protection of distinctive historic buildings and places in Falmouth’s Historic Districts.” The guidelines assist the Commission, they do not direct or control it. Later in the guidelines a statement appears that “the goal of Falmouth’s local historic districts is not to stop change, but to manage change … “ Again this is a generalized statement of purpose, but it is not a grant of authority permitting the Commission to oversee and approve all aspects of proposed development. That language is intended to apply to managing the change of exterior architectural features that are visible from a public way. The Commission’s authority is limited by the provisions of section 36 – 6A and that authority covers exterior architectural features only.
January 9, 2020

Mr. Michael Palmer  
Town Clerk  
59 Town Hall Square  
Falmouth, Massachusetts 02540

Re: Certificate of Appropriateness – 533 Woods Hole Rd., Application number 19-54

Dear Michael:
At its meeting of January 7, 2020 the Falmouth Historical Commission voted to approve the application for a Certificate of Appropriateness of Woods Hole Partners LLC., received September 10, 2019, by its consultant Epsilon Associates, Inc., under the Falmouth Historic District Bylaw (established under M.G.L. Chapter 40C) to allow the demolition of the Nautilus Motor Inn buildings and construction of four (4) new residential buildings at 533 Woods Hole Road, Falmouth within the 150 feet of setback from the edge of Woods Hole Road within the Woods Hole Historic District; this includes the removal of portions of the ell attached to the Buckminster Fuller geodesic dome ("the Dome"), and stabilization, restoration and preservation of the Dome (re-establishing the original entrance on the northwest side of the Dome and including renovation and reconstruction of a portion of the former kitchen ell on the northeast side of the Dome), together with associated walkways, driveways, stone walls and landscaping.

The application included a detailed description of the proposed work, photographs of existing conditions, a structural analysis report about the Dome, scholarly articles concerning the construction and history of the Dome, a site plan showing the existing and proposed development of the property, existing and proposed elevation drawings of the Dome, and elevation drawings for the four residential buildings (Buildings B,C, D and E) proposed to be constructed in whole or in part within the Woods Hole Historic District with the following findings and conditions:

Findings:
At duly held public meetings on October 1, 2019, December 3, 2019 and January 7, 2020 the Historical Commissioner considered the application materials and supplemental filings as noted herein, presentations by the applicant’s consultants, and public comments. The Commission made a duly noticed site visit to the premises on November 1, 2019. The Commission received and reviewed copies of decisions issued by the Falmouth Planning Board (Site Plan Review Letter dated April 30, 2019), the Falmouth Zoning Board of Appeals (Special Permit 115-18 issued June 14, 2019, presently under appeal), and the Cape Cod Commission (Development of Regional Impact Decision TR07017 as amended). The Commission considered relevant Massachusetts Historical Commission Form B materials about the property compiled in 1990,
2004 and 2017 (MHC Inventory No. FAL418). During the course of the Historical Commission’s review, the applicant submitted revised plans and additional materials, including (1) a site plan revised November 13, 2019 showing the relocation of Building E further away from the Dome and set back further from the street frontage, with associated grading changes; (2) revised elevation drawings for Buildings C and D (plans and elevations revised November 8, 2019) responsive to the Commission’s request for more variation in design and materials among the buildings; (3) elevation sections showing the height relationship between the Dome and Buildings C, D and E, to show that the Dome will retain its prominence as the highest building on the site within the Historic District along Woods Hole Road; (4) view shed drawings; (5) a landscaping plan revised November 13, 2019; (6) a lighting plan and lighting fixtures cut-sheets dated November 1, 2019; (7) numerous renderings of the proposed development; and (8) photographs of other historic buildings in Woods Hole.

The Commission also received details during the site visit about the product proposed to be installed as the exterior sheathing on the Dome, Kalwall, which will be a durable but lightweight, translucent and energy-efficient system. The Commission would like to thank the development team for the effort invested thus far to protect and restore the Dome and make changes to the design of the residential structures in response to the Commission’s suggestions, and finds that the architectural features and materials are appropriate. In 2009 the Commission issued a Certificate of Appropriateness that allowed construction of a single building for 43 dwelling units, with the Dome to be an appendage to the large structure (Application 08-116A, Certificate of Appropriateness issued April 15, 2009 under Chapter 654 of the Acts of 1975). That project did not come to fruition. The Commission received and reviewed a November 21, 2019 update (prepared by Epsilon Associates) to the rehabilitation plan for the Dome prepared by Architect Deacon Marvel dated September 25, 2008, and finds that the applicant has made significant progress with respect to the fourteen points set forth therein.

The following documents were submitted into the record:
1. Certificate of Appropriateness application dated September 9, 2019
3. HC Exhibit A.1-91: Letter from Epsilon Associates’ Douglas J. Kelleher dated September 9, 2019 including the following documents: Description of Proposed Work; Historic Views; Existing Condition Photographs; Structures North Report; Supplementary Technical Reports; Massachusetts Historical Commission’s Form B and CLG Opinion; Deacon Marvel fourteen point plan.
4. HC Exhibit B: Site Plan entitled “Site Plan Site Layout Plan” prepared for Woods Hole Partners, LLC 533-539 Woods Hole Road in Falmouth, Massachusetts, by Capc & Islands Engineering, dated October 5, 2018 revision date September 6, 2019, scale as noted.
5. HC Exhibit C.1-2: Buckminster Fuller Dome plans and elevations entitled: "Exterior Elevations Existing" (2 sheets; A2.0, A2.1) by Longfellow Design Build, dated August 5, 2019, scale as noted.

6. HC Exhibit D.1-2: Buckminster Fuller Dome plans and elevations entitled: "535 Woods Hole Road Community Center @ B F Geodesic Dome" (2 sheets; A201, A202) by Longfellow Design Build, dated September 5, 2019, scale as noted.

7. HC Exhibit E.1-3: Proposed Unit B building roof plan and elevations: "535 Woods Hole Road Unit B – Proposed Roof Plan"; "535 Woods Hole Road Unit B – Proposed Front and Left Elevations"; "535 Woods Hole Road Unit B – Proposed Rear and Right Elevations" (3 sheets; B-A103, B-A201, B-A202) by Longfellow Design Build, dated July 24, 2019, scale as noted.

8. HC Exhibit F.1-3: Proposed Units C&D building roof plan and elevations: "535 Woods Hole Road Unit C&D – Proposed Roof Plan"; "535 Woods Hole Road Unit C&D – Proposed Elevations"; "535 Woods Hole Road Unit C&D – Proposed Elevations" (3 sheets; D-A103, D-A201, D-A202) by Longfellow Design Build, dated July 24, 2019, scale as noted.

9. HC Exhibit G.1-2: Proposed Unit E building elevations: "535 Woods Hole Road Unit E–Proposed Elevations"; "535 Woods Hole Road Unit E – Proposed Elevations" (2 sheets; E-A201, E-A202) by Longfellow Design Build, dated July 24, 2019, scale as noted.

10. HC Exhibit H: Landscape plan entitled: "Landscape Plans Proposed Planting & Materials Plan" by Cape and Islands Engineering, dated September 28, 2018, latest revision November 13, 2019, scale as noted.

11. HC Exhibit I.1-6: Cover letter from Ament Klauer LLP dated September 30, 2019 submitting additional documentation listed as Exhibits J through O. Letter from Ament Klauer LLP dated December 31, 2019 addressing comments made by Commissioner Warner at the December 3, 2019 hearing.

12. HC Exhibit J.1-2: View shed angles from public way depicting present 135 degree view from Dome towards Woods Hole Road entitled: "Views from Dome Interior Pre-Development vs. Post Development" (2 sheets, Figure 2 and 2A, dated February 12, 2019.


18. HC Exhibit P.1-9: Curriculum Vitae for: John M. Wathne, PE of Structures North; Sara Alinia of Structures North; Stephanie A. Davis of Structures North; Kent Duckham of Duckham Architecture & Interiors; and Partial Project List for Structures North.

The Commission votes to approve the project at 533 Woods Hole Road constructed in accordance with the following plans:

21. HC Exhibit S: Site Plan entitled: “Site Plan Site Layout Plan” prepared for Woods Hole Partners, LLC 533-539 Woods Hole Road in Falmouth, Massachusetts, by Cape & Islands Engineering, dated October 5, 2018, latest revision date November 13, 2019, scale as noted.
22. HC Exhibit T.1-2: Buckminster Fuller Dome plans and elevations entitled: “Exterior Elevations Existing” (2 sheets; A2.0, A2.1) by Longfellow Design Build, dated August 5, 2019, scale as noted.
23. HC Exhibit U.1-4: Buckminster Fuller Dome plans and elevations entitled: “535 Woods Hole Road Community Center @ B.F. Geodesic Dome” (4 sheets; A101, A102, A201, A202) by Longfellow Design Build, dated September 5, 2019, scale as noted.
24. HC Exhibit V.1-2: Buckminster Fuller Dome existing structure plan entitled: “535 Woods Hole Road Existing Structure @ B.F. Geodesic Dome” (2 sheets; EX101, EX102) by Longfellow Design Build, dated September 5, 2019, scale as noted.
25. HC Exhibit W.1-5: Proposed Unit B building roof plan and elevations: “535 Woods Hole Road Unit B – Proposed Roof Plan”; “535 Woods Hole Road Unit B – Proposed Front and Left Elevations”; “535 Woods Hole Road Unit B – Proposed Rear and Right Elevations” (5 sheets; B-A101, B-A102, B-A103, B-A201, B-A202) by Longfellow Design Build, dated November 8, 2019, scale as noted.


The Commission finds the features of the restoration of the Buckminster Fuller Dome protect the distinctive architectural characteristics and the historic significance of the structure and site; the Commission also finds the four new residential buildings located within the district of appropriate “general design, proportions, detailing, mass, arrangement, texture, and the material of the exterior architectural features involved; along with the relation of such exterior architectural features to be similar features of buildings and structures” in the surrounding Woods Hole historic district,” per §36-8 of Chapter 36 Falmouth Historic District.

CONDITIONS:
Therefore, at its meeting on January 7, 2020, the Historical Commission voted to approve Application 19-54 as summarized above, subject to the following terms and conditions:

1. Any modification or new work (work not granted or approved by a Certificate of Appropriateness or Determination of Non-Applicability) to be performed at the above referenced property within the Woods Hole historic district boundaries, i.e. changes to architectural detail, trim etc., shall be presented by the applicant to the Historical Commission for review and approval. Adherence to this Certificate of Appropriateness is enforceable by the Building Commissioner. Minor modifications may be administratively approved by the Chairman of the Historical Commission.

2. The Historical Commission will require that prior to issuance of a building permit for any of the residential buildings within the Historic District, the owner of record shall execute and record a Covenant, in form and content reviewed and approved by the Historical Commission, which Covenant shall run with the land and be binding upon any successor in interest in the event of any conveyance, sale, rental, mortgage or other disposition of the property, to assure compliance with the terms and conditions of this decision.
3. The work within the Woods Hole historic district shall be as described in the “Description of Proposed Work” (found in Exhibit A.1-91) set forth in the application submitted by Epsilon Associates, Inc., but in accordance with, and subject to any modifications and details shown on plans and drawings outlined in Exhibit’s S through Z.1-15.

4. Signage is not approved by this decision. Signage shall be the subject of another application to the Historical Commission.

5. In the restoration of the Dome, the applicant shall follow all applicable recommendations of Structures North in its correspondence to Doug Kelleher dated September 8, 2019 (pages 5, 6 and 7). Kalwall, or a substitute product approved by the Falmouth Historical Commission, shall be used for the exterior sheathing of the Dome, excepting where glass will replace existing windows.

6. A Preservation Restriction for the Buckminster Fuller Dome, filed under Massachusetts General Laws Chapter 184, Section 32, approved by the Massachusetts Historical Commission, by the Cape Cod Commission and by the Falmouth Historical Commission, shall be recorded in Barnstable County Registry of Deeds prior to the issuance of any building permit for residential buildings. The Falmouth Historical Commission will be the holder of the Preservation Restriction.

Sincerely,

Corey Pacheco
Assistant Town Planner

cc: applicant
    Rod Palmer, Building Commissioner