



**Town of Barnstable**  
**Hyannis Main Street Waterfront Historic District Commission**  
[www.townofbarnstable.ma.us/hyannismainstreet](http://www.townofbarnstable.ma.us/hyannismainstreet)

**MINUTES**  
**August 4, 2021**  
**6:30 p.m.**

BARNSTABLE TOWN CLERK  
2021 SEP 7 PM 2:36

**Members Present:** Cheryl Powell, Betsy Young, Cecelia Carey, and Jack Kay  
**Members Absent:** David Colombo and David Sorensen

**Staff Present:** Elizabeth Jenkins, Director and Karen Herrand, Principal Assistant, Planning & Development Dept.

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 6:30 P.M. on Wednesday, August 4, 2021.

Please note that this meeting will be recorded and broadcast on Channel 18 and, in accordance with MGL Chapter 30A §20, anyone taping this meeting please make their presence known.  
Please silence your cell phones

**Call to Order**

**Roll Call Attendance**

Jack Kay  
Betsy Young  
David Colombo - absent  
Cecelia Carey  
David Sorensen - absent  
Cheryl Powell

Town Council Liaison Kris Clark in attendance.

**Welcome to New Members, Special Guests, Advisors and Comments**

**Updates**

- Trainings – Chair Cheryl Powell - grandfathering in different way, has spoken to Bldg. Commissioner.  
Chair Cheryl Powell would like the link sent to the Commissioner's to get zoning notifications.
- Awards
- Correspondence

**Reminder of Commission's Purpose and Proper Procedure**

Chair Cheryl Powell reads Chapter 112 into record: *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 distinct 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 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.*

**Continued Business**

Shiv Sai LLC d/b/a Cape Cod Inn/Duck Inn Pub – 447 Main Street, Hyannis Map 308 Parcel 081-001  
Sign – continued from July 21, 2021, meeting

Mike Caggiano of Plymouth Sign Co. in attendance. He gives an update for the Cape Cod Inn sign. Possibly changing. Code is having to go with the current regulations – going to just reface existing sign, same structure, frame and same lighting, slide old face out and new one in.

Chair Cheryl Powell confirms the new design, Exhibit A, picture of sign submitted.

Cecelia Carey also has spoken with Robin Anderson, from the Building Dept.

**Chair Cheryl Powell opens/asks for any Public Comment. None. Chair closes public comment.**

Betsy Young clarifies/asks no matter what is being done, opens up to being able to be scrutinized and look at any elimination. But such minimal changes she feels are ok with the illumination at this point. Such small changes, doesn't want to have to take away what they have now. It's a historic sign on its own. Other option to fix internal lighting as is. Rather have it updated.

Chair Cheryl Powell, at the moment it is grandfathered as to what's there. Not in violation because it predates the regulations. Explains, would not insist on Applicant's pre-existing application if no application made.

Chair Cheryl Powell reads into record Memo from Staff, Exhibit B: *In a local historic district, before any exterior architectural feature that is visible from a public way is altered, the plans to carry out that alteration must first be approved by the local historic district commission. Historic preservation controls, such as those established by Chapter 112 of the Town Code are "solidly within the broad spectrum of constitutional land use controls" alongside zoning. Local historic districts have three major purposes as stated in Massachusetts General Law, Chapter 40C: to preserve and protect the distinctive characteristics of buildings and places significant in the history of the Commonwealth and its cities and towns; to maintain and improve the settings of those buildings and places; to encourage new designs compatible with existing buildings in the district. The Building Commissioner and Planning & Development staff have reviewed the questions raised about the zoning and historic district controls that arose at the last meeting. We concur that the Historic District Commission is enabled to issue determinations that are more restrictive, or require greater conformance to zoning, as long as they are issued with the finding that the decision is to further the "preservation or protection of the district". In making this finding the Commission should consider the District's purpose, as stated in §112-24. This includes consideration of size, dimension, height, lighting, materials, color etc.*

*Looking to the Ordinance, Sections 112-29(A)-(B) provide that "no building, structure, setting, or part thereof within the district shall be constructed, demolished, moved, or altered in any way that affects any exterior architectural feature subject to public view until the Commission shall first have issued a certificate of appropriateness..." and "no building permit for the construction of any building or structure or for the alteration of any exterior architectural feature within the district which is subject to public view shall be issued by the Town or any department thereof until a certificate of appropriateness...has been issued by the Commission as required under this article." Altered is defined as "changed in exterior color, or otherwise exteriorly changed, rebuilt, reconstructed, restored, removed, and/or remodeled."*

Elizabeth Jenkins clarifies that they have the right to replace, any time issued requires approval. HHDC has the ability to approve. Zoning is in keeping with the required findings. HHDC's purview is separate from zoning.

Chair Cheryl Powell states that we focus primarily on aesthetics, didn't want to lose perspective.

Elizabeth Jenkins confirms that that anytime a sign is altered changed or any other exterior feature, has to be approved within the consistencies. The Building Commissioner would have right to remove the sign per zoning. Non conforming, conditional approval can be issued from HHDC.

Chair Cheryl Powell states that she has sent an email to legal and spoken with Building Commissioner.

Cecelia Carey states that the task was to check on the non conforming.

Chair Cheryl Powell is concerned if changed, it is grandfathered at the moment. It is within our ability to make conforming – encourage new designs, protect distinctive history etc.

Elizabeth Jenkins clarifies jurisdiction begins when proposal for alteration. She reads into record the Bldg. Commissioner's email, Exhibit C: *Correct that for zoning purposes we would issue a permit for a pre-existing nonconforming sign being replaced exactly as it is. Expansions or historical special permit or variance would in most instances kick it up to the ZBA. Obviously if a sign is in a historic district*

*the proposal would have to meet their approval. Exclusive of zoning and in agreement with assessment, the Historic Commission is free to make whatever determination that they choose as it relates to the aesthetics of a sign even if the end result is more restrictive than zoning. That includes size, height, lighting, dimensions etc. My recommendation is that they keep zoning completely out of their deliberations.*

Betsy Young clarifies that zoning shouldn't enter into our consideration.

Cecelia Carey asks/directs to Mike Caggiano if he has talked to his client to remove interior lighting?

Mike Caggiano replies that they want to keep it as is, just changing the face.

Cecelia Carey asks about exterior illumination.

Betsy Young asks if he came with the new proposed would like to see lit. Next option would be to go back and fix inurds of old sign and keep face as is. Wouldn't have to come to fix the internal without having to come to us. Outside to look better, but not changing the character of the sign, it's actually an improvement and will accept internal lighting because it pre dates and falls into historic on its own.

Chair Cheryl Powell asks about the original goose necks and possible use of.

Mike Caggiano replies that they were not working, just hanging there, will be removed.

Jack Kay states that there is a lot of corrosion and a lot of rust on the pedestal/base.

Mike Caggiano replies that they will paint and will replace the lamps with new lamps.

Cecelia Carey is ok with all except for the interior illumination.

Chair Cheryl Powell agrees, but it did already and does have interior illumination.

Chair Cheryl Powell states that any motion should reference the Bldg. Dept in it.

**Motion made by Betsy Young for the Findings, that this application is compatible with the preservation and protection of the district, and to allow internal lighting of this project based upon the number of years that this particular structure has been already internally lit, seconded by Jack Kay;**

**Vote:**

**Betsy Young – aye**

**Jack Kay - aye**

**Cecelia Carey – nay**

**Cheryl Powell – abstain**

**The motion does not pass.**

Mike Caggiano states that the same thing was done with an Ocean St. sign previously and the International Inn, just changing out the faces, can leave as is, it's terrible looking, rusted. This would clean it up and upgrade it. Why an issue now when a month ago there was no issue.

Elizabeth Jenkins notes that each application is reviewed in specific contents.

Mike Caggiano states that the frontage is based on the front of the building and this size.

Betsy Young asks for clarification.

Elizabeth Jenkins replies/clarifies that zoning is not their purview.

Cecelia Carey thinks it's the age of the source of elimination, the other signs are a bit newer.

Chair Cheryl Powell asks about the goosenecks, maybe going back to those? Possibly put those back on and use.

Mike Caggiano – they want the internally lit sign.

Elizabeth Jenkins and Chair Cheryl Powell clarify that it has to be a majority of the full Commission for a vote/motion to pass.

Mike Caggiano replies some members are not present.

Town Council Liaison Kris Clark mentions that there is an Appeals Committee for this Commission.

Elizabeth Jenkins suggests that the Commission can procedure procedurally make a condition with the vote and then the Applicant can appeal.

Discussion possibly continuing this matter.

Chair Cheryl Powell entertains a motion to continue this matter and that an extension be done for the next meeting, seconded by Jack Kay;

Vote:

Betsy Young - aye

Jack Kay - aye

Cecelia Carey - aye

Cheryl Powell - aye

Discussion Item

Sign for 131 Ocean Street – meeting of July 21, 2021

Chair Cheryl Powell explains that this is more of a technicality to get the correct address.

Cecelia Carey comments that 131 Ocean Street - should be under a minor modification.

Mike Caggiano confirms that the original application was for two signs, which were both approved, but one of them should have been for 149 Ocean Street. (the arrow sign is correct for 131 Ocean St.).

Matters not Reasonably Anticipated by the Chair

Other Business

Approval of July 21, 2021, draft minutes

Chair Cheryl Powell has two changes to the draft minutes, pg. 2, entertains a motion to approve as amended, seconded by Cecelia Carey,

Vote:

Betsy Young - aye

Jack Kay - aye

Cecelia Carey - aye

Cheryl Powell - aye

Next HHDC meetings scheduled for August 18 and September 1, 2021

Adjournment

Chair Cheryl Powell entertains a motion to adjourn, moved by Cecelia Carey, seconded by Jack Kay,

Vote:

Cecelia Carey - aye

Jack Kay - aye

Betsy Young - aye

Cheryl Powell - aye

The meeting ended at 7:22 p.m.

Respectfully submitted  
Karen Herrand

Further detail may be obtained by viewing the video via Channel 18 on demand at  
<http://www.town.barnstable.ma.us>

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

**List of Exhibit Documents**

**Exhibit A** – Shiv Sal LLC d/b/a Cape Cod Inn/Duck Inn Pub – 447 Main Street, Hyannis Map 308 Parcel 081-001  
Picture of sign

**Exhibit B** - Shiv Sal LLC d/b/a Cape Cod Inn/Duck Inn Pub – 447 Main Street, Hyannis Map 308 Parcel 081-001  
Staff Memo

**Exhibit C** – Shiv Sal LLC d/b/a Cape Cod Inn/Duck Inn Pub – 447 Main Street, Hyannis Map 308 Parcel 081-001  
Bldg. Commissioner's email