



ORLEANS TOWN CLERK


HISTORICAL COMMISSION

Orleans Historical Commission
Wednesday, May 10, 2023 at 4:30 pm

This was a hybrid meeting of the Orleans Historical Commission convened in the Skaket Room at Town Hall, with remote participation also provided by Zoom technology. Real-time public access was provided by Orleans Channel 18 on the Town website and cable television.

The meeting was called to order at 4:31 pm by Historical Commission Chair Ron Petersen. Also attending, and thus constituting a quorum were Committee Vice Chair Joan Nix, Members Charles Ellis, Edmund Marcarelli, and Associate Member Francis Mustaro. Bill Wibel was absent.

Also, in attendance: Historic Preservation Consultant Eric Dray (participated part-time).

(00:00) Public Hearing on a Notice of Intent To Demolish a Significant Building at 29 Henson's Way

Garrett (present remotely) and Kelsey Dutton, applicants, were present. Benjamin E. Zehnder, attorney for the applicant, were present for the hearing.

Mr. Petersen opened the hearing at 4:31pm. 29 Henson's Way is known as the Hansen-Higgin House, built in 1797 and is one of few remaining structures from that era in Town. The property is subject to the demolition delay bylaw. He gave a further history of the property, noting that, according to the Orleans Historical Inventory Form B on file with the Massachusetts Historical Commission, the home was owned by Captain James H. Charles, Keeper of the Orleans Lifesaving Station (1894-1917) from 1893-1907.

Mr. Zehnder provided an overview of the intended demolition at the property, and work done to-date. The parcel includes a wood-framed, single family dwelling house built in 1797 and a one-bedroom guest cottage built in 2017; as well as a boathouse and a small barn. The Commission had previously imposed the Demolition Delay Bylaw in 2017, expiring in 2018. The Duttons had plans for a new 5-bedroom house and intended to have their builder demolish the existing dwelling at the end of the delay period and build their new house in the same location. However, before they permitted for the new dwelling the COVID pandemic began, stopping Mr. Dutton's work as a traveling musician, and he was no longer touring. Mr. Zehnder asked the Commission to not impose the Bylaw, today.

Ms. Nix said that this project, constitutes a new project, and that the pandemic timeline does not change that the structure is a "preferably preserved significant building".

Mrs. Dutton noted that there were several other outbuilding on the property.

Mr. Mustaro asked about an addition on the house; Mrs. Dutton noted that it is a master bedroom, with an attached bathroom.

Mr. Marcarelli asked that the Demolition Delay be imposed due to the significance of the house.

Mr. Zehnder expressed concern about the interpretation of the bylaw and how it relates to the building on the property. He disagreed with the Commission's interpretation.

There was discussion of, rather than demolishing the building, relocating the building on the property. Mr. Petersen said that relocation was outside the commission's purview, and they would need to get that permission from the Building Commissioner. Mr. Zehnder suggested selling the building, to be relocated to another location; the Commission disputed his interpretation.

Mr. Zehnder asked that the record reflect that his interpretation of the Bylaw was at odds with the Commission's. Mr. Petersen asked if qualified, preservation-minded builders were sought for the project; Mrs. Dutton said, yes, but they were not interested in restoration.

Mr. Zehnder asked if the period could be less than one year; Mr. Petersen said that the Commission has worked with property owners in the past, but very certain conditions need to be met.

Mr. Dray said that the intent of the Bylaw was for "bona-fide evidence of efforts of the applicant to seek a party who can relocate or sell the building" is for the building, only, and the Commission was not saying to sell the property.

Mr. Dutton proposed moving the original part of the historic cottage next to the barn, and a plan was provided. Mr. Dutton said that he would love to keep the cottage, and not demolish it.

Mr. Ellis asked if there was an enforceable way to ensure that the property would be kept in the new location on the property in perpetuity. Mr. Marcarelli asked if relocating the building removed the request to delay.

Mr. Zehnder asked for the hearing to be continued until he could discuss potential solutions with his clients. Mr. Petersen noted that the Bylaw requires action within 45 days of the application, and render a decision within 10-days of the hearing; Mr. Zehnder wished to toll that and continue the hearing. Mr. Dutton suggested imposing the delay, and to come back in 1-month to further assess the proposed project to remove the delay if appropriate.

Mr. Dutton's father was present and spoke in favor of assisting his son and Mr. Dutton's passion for old houses. Faye Roupp, abutter, was present remotely and expressed support for the Duttons.

Mr. Ellis asked if there was documentation on the addition to the original structure; Mr. Petersen said there was nothing on the Form B indicating such.

Mr. Zehnder will discuss the following with his clients: if they want to relocate the structure or if they wish to remove any portion of the existing structure.

Ms. Nix moved that the original structure of the property listed as 29 Henson's Way, is a preferably preserved significant building and that the 1-year demolition delay bylaw be imposed; Mr. Marcarelli seconded. The Commission voted 5-0-0.

There was further discussion.

Mr. Mustaro moved to close the public hearing; Mr. Marcarelli seconded. The Commission voted 5-0-0.

(55:00) Public Comment

An audience member who owns 15 Salty Ridge Road, and was excited to share the restoration process; he was seeking a contact at the Historical Society.

(1:00:00) Status of the Historic District Study Committee. Discussion on next steps.

Mr. Petersen noted that the Select Board voted to appoint the Study Committee and that nomination letters have been sent. The nomination period closes on May 20th; appointments are tentatively scheduled with the Select Board for June 14th. Each member of the Commission will be submitting a Citizen's Interest Form to the Select Board to be included in the appointment process. Mr. Dray suggested having a press release to announce the Study Committee once appointments were finalized. There was further discussion about committee time commitments and meeting attendance requirements.

Mr. Ellis and Mr. Marcarelli noted that they would prefer to be alternates, if possible due to personal time commitments. Mr. Dray reviewed the schedule, and that the first meeting would be in June/July and the first project will be finalization and mailing of the survey to Orleans residents.

Next Steps: apply for appointment to the Study Committee; await appointment by the Select Board; begin draft press release for announcement of the Study Committee.

(1:18:00) Discussion and possible vote on Historic Commission input to the Orleans Comprehensive Plan

Ms. Nix, Chairing the subcommittee on the matter, provided an overview of the work to-date. The first, short-term goal is to set up goals and policies by referencing Bourne's as a model. She provided a draft of those goals and policies:

Cultural Heritage Goal: The cultural heritage goal of the Orleans Comprehensive Master Plan is to protect and preserve the important historic and cultural features of the town's landscape, structures and streetscapes that help shape its special character, and to ensure that future development respects the traditions and distinctive character of our historic town.

Cultural Heritage Policies

- Encourage recognition and preservation of historic buildings, documents, artifacts, and sites in a manner that reasonably accommodates progress and which engenders public support.
- Guide the character of new development and redevelopment through education and regulations that encourage design that honors Orleans historic past.
- Create awareness of the distinct historic character within Orleans via an ongoing public education program.
- Continue to seek and make public information about the indigenous settlement that predated European colonization and the co-existence of the cultures within the area that has become Orleans.

Cultural Heritage Actions

- Continue public education efforts of various types including posting information on the Historical Commission website, preparing printed materials, presenting lectures, creation of maps, etc.
- Review the Demolition Delay bylaw and strengthen or modify if needed.
- Protect the historically significant section of Main Street in East Orleans with the creation of a local historic district.
- Identify cohesive and historically significant areas beyond Main Street in East Orleans and evaluate such areas as potential historic districts.
- Evaluate and pursue activities to research the pre-colonial period of indigenous occupation of the land and ensure its inclusion in the town's history.

Mr. Ellis asked where the Secretary of the Interior Standards for Historical Preservation falls into "policies". The Commission agreed to add "in accordance with all applicable laws, regulations, and guidelines such as the SOI Standards" at the end of the first policy bullet.

Mr. Mustaro asked if there should be mention of "healthy community development" ; there was further discussion about the economic impact of undertaking historic preservation. There was further discussion of the policies and goals.

Ms. Nix will draft another document based on the recommendations and discussion tonight; take another look at the actions and submit to the Committee by the May 31st deadline.

Mr. Marcarelli moved to authorize the subcommittee on the Comprehensive Plan to submit the goals and policies as amended; Mr. Mustaro seconded. The Commission voted 5-0-0.

(1:29:00) Items for future agendas:

Drafting communications for Study Committee and other materials for the Committee to work on after appointment.

Mr. Ellis asked about election of officers, noting that terms of appointment end June 30.

(2:00:00) Review/Approve minutes:

Mr. Marcarelli provided comments to Ms. Butler for 3/22/23, who will make those corrections.

Ms. Nix moved to approve the minutes of January 11, February 8, November 30, 2022, and March 22, 2023, as amended by Mr. Marcarelli; Mr. Ellis seconded. The Commission voted: 5-0-0.

Ms. Nix provided minimal comments about April 12, 2023 regarding the barn (page 1). Mr. Marcarelli also provided comments "to revise". Mr. Petersen also provided a minimal correction.

Mr. Ellis moved to approve the minutes of April 12, 2023, as amended; Ms. Nix seconded. The Commission voted: 5-0-0.

Adjourn:

A motion to adjourn at 6:45 pm was moved by Mr. Ellis and seconded by Mr. Marcarelli. The Commission voted 5-0-0.

Documents discussed and reviewed:

1. Application for 29 Henson's Way
2. Draft Orleans Community Preservation Plan
3. Draft Comprehensive Plan Historical Commission Goal and Policies submission