

**Historical Review Board  
Town of Truro,  
Massachusetts**

**Public Hearing  
Minutes**

Saturday, May 21, 2016

Public Hearing Location: Truro Public Library, Cobb Conference Room

Present for the Historical Review Board: Matthew Kiefer, Chairman, David Kirchner, David Perry, Chuck Steinman (Chairman of Truro Historical Commission and clerk of the Review Board), and Fred Todd

Present for the Historical Commission: Chuck Steinman, Richard Larkin, and Helen McNeil-Ashton

Present for the Applicant: Christopher W. Clark

Also Present: Marsha Siegel, Art Hultin, Robert Weinstein (Truro Board of Selectman Liaison), Monica Kraft, John Marksbury, Peter Staaterman, and Dylis Staaterman

At 10:30 AM, Chairman Matthew Kiefer opened a public hearing regarding an application for a demolition permit by Christopher and Jane Clark seeking to demolish an existing house (the Richard Paine House) and build a new single family home on property located at 1 Higgins Hollow Road. The hearing was preceded by a site visit to 1 Higgins Hollow Road to view the house in question and the property in general.

Mr. Kiefer, quoting from the *Preserving Historic Properties* By-Law, stated that the role of the Historical Review Board is to “hold public hearings on demolition permit applications to determine if the intended demolition would be detrimental to the historical, cultural or architectural heritage of the Town; whether the work proposed will materially diminish the building or structure’s significance to the Town’s heritage; and to explore alternatives to demolition.”

The application for a demolition permit dated March 14, 2016 was referred to the Historical Review Board by the Building Commissioner. According to the *Preserving Historic Properties* By-Law, a public hearing is scheduled to determine whether a delay in demolition for a period of up to one year is

warranted if the Board determines that a building is significant. According to Paragraph 6-2-1 of the By-Law, significance includes age (over 75 years old); listed on or part of a pending application for listing on the National or State Register of Historic Places; historically or architecturally significant; associated with one or more historic persons or events or with the architectural, cultural, political, economic or social history of the Town.

Mr. Kiefer indicated a prior hearing was held on April 9, 2016. At that time, the Board determined that the property at 1 Higgins Hollow Road was subject to a hearing because the original structure was built in 1719; qualifies as a significant building; is associated with historic personages; and has been recommended by consultants to the Truro Historical Commission as eligible for individual listing on the National Register of Historic Places. The house is one of the oldest in Truro and was occupied for generations by members of the Paine family, descendants of Captain Thomas Paine who was one of the founders of Truro. At one time or another it served as tavern, general store and post office. It is one of a cluster of historic houses in the Longnook Road/Higgins Hollow Road neighborhood that was also recommended as eligible for listing as part of a National Register Historic District. After determination that the house at 1 Higgins Hollow Road was significant in terms of the provisions of the *Truro Preserving Historic Properties* By-Law, the Historical Review Board heard a presentation by the applicants, reviewed plans submitted by the applicant, listened to comments from the attending public, and discussed options with the applicant. After a motion and second, the Review Board voted at the April 9 Public Hearing to invoke a 12-month demolition delay.

Mr. Kiefer explained that after the April 9 hearing, the applicants notified the Historical Review Board in writing requesting that the hearing be nullified and re-heard because "at least three requirements of these General Bylaws were not followed, namely that certified letters were never provided telling the time, place and subject matter of the Historical Review board Hearing to the Planning Board, the Board of Selectmen nor to the applicants themselves." This was due to a clerical misunderstanding by Town Hall staff. Accordingly, a second hearing was scheduled for May 21; in addition a site visit was scheduled for 9:30 of the same morning and was attended by all members of the Review Board as well as others.

Robert Weinstein, identifying himself as a retired builder, a member of the Board of Selectmen and liaison between that Board and the Historical Review Board and Historical Commission, said in response to the letter he urged nullifying the April 9 decision and re-hearing the application. He further questioned whether a provision of 6-4-1-2 of the Preservation By-Law had been followed. This paragraph reads "The Historical Review Board shall . . .

notify current owners of such buildings and structures in writing and provide them with an official plaque to display if they wish. At this time, the Historical Review Board shall hold a hearing for any current owners objecting to the Board's determination that their property is of historic, cultural or architectural significance." Chuck Steinman, Chairman of the Truro Historical Commission, indicated that at some point letters were sent to owners of significant properties (including offering historic marker plaques) and that he would need to check the records to see if 1 Higgins Hollow Road was a recipient.

Mr. Kiefer then asked the applicant, Mr. Clark, if he would like to make a presentation. He also said that if Mr. Clark felt that the Board was in any way acting improperly, he should feel free to voice his concerns, otherwise to proceed with his presentation.

Mr. Clark proceeded and described his long association with the town of Truro, his ties to the local community, and the time he spent at the Higgins Hollow Road property with his grandmother and other relatives. He reviewed the history of the house in the family. The property was owned by his grandmother, Laura Merriss Johnson, who acquired the property in 1923. In approximately 1978, he and his sister (whom he subsequently bought out) inherited the Paine House from his grandmother. Over time, the house had deteriorated and was in poor condition. In 1984, he undertook an extensive renovation. Existing foundation, fireplace, wall finishes and main floor framing were removed. Some post and beam construction and rafters were retained along with some flooring, wainscoting, paneling and wood doors; new windows, siding and roof covering were installed. A barn on the property was demolished and a new barn/guest house built in approximately 1992.

The Clarks would now like to live permanently in Truro. They discussed renovation of the existing building with three local contractors (Hultin, Hopkins and Cape Associates) and concluded that renovation would be more costly than new construction. At the prior hearing, they proposed a new three-bedroom house differently oriented on the lot. The proposed house would be approximately 2,200 square feet plus a two-car garage of approximately 576 square feet. They presented a partial site plan and schematic building elevations, noting that the plans were preliminary.

Mr. Clark expressed frustration with the review process. He did not think it was clear what was required and felt his case was unfairly viewed because of the preliminary nature of his plans, which were just intended to be illustrative. Due to his long association with the Town, he felt sure his final design would

be sympathetic. He questioned the subjective nature of “significant” in the By-Law language and thought the final vote by the Board at the April 9th hearing was abrupt. He repeated his view that nothing much was left of the historic house – a few beams – so what was worth saving?

In response, Mr. Kiefer referred to the Mass Historical Commission documentation regarding the significance of the Paine house (Form B updated in 2011 and several previous Historic American Building Surveys) and that the Truro Historical Commission’s consultant, Public Archeology Laboratories, Inc. (PAL), had determined that the house is eligible for individual listing on the National Register of Historic Places. Mr. Kiefer quoted from their *National Register of Historic Places Criteria Statement Form*:

“The Richard Paine House at 1 Higgins Hollow Road is recommended as eligible for individual listing in the National Register under Criterion C at the local level in the area of Architecture. The house is significant as one of the oldest houses in Truro and a relatively unaltered example of an early  
th  
18 -century three- quarter Cape Cod house. It retains its original form and  
th  
massing, with a steeply pitched roof and four-bay facade. The 20 -century  
west addition detracts slightly from the overall integrity of the house, but its character remains intact.”

Members of the public commented. Mr. Weinstein said that the house no longer has the elements that made it important historically – it has different siding, replacement Andersen windows, no trim. He felt a new building could replicate some of the historical elements in terms of scale and massing. Ms. Siegel noted that there was not much left, the applicant was looking for something livable, and it would not be logical to keep the old building. Mr. Staaterman talked about his background in construction and his experience with his old Cape house that is located across the street on Longnook Road. He renovated the historic house but noted it was costly and ended up with a large addition because the old house with small rooms was not how they want to live. He said he was sympathetic with the intent of the preservation By-Law but questioned if it was reasonable in this case.

Art Hultin, a local builder, said in his opinion there was not much left of the historic building, and attempting to re-use it would be expensive. He thought the delay was preventing the applicant from being able to develop a workable plan, and had recommended that the Clarks proceed early with the demolition request so that they could move on to address zoning and building code issues. Mr. Steinman reminded the group that applicants subject to a delay are free to come back at any time with more developed plans or alternatives, and a more thorough



feasibility determination regarding whether the historic building could or could not be saved. David Perry referred to the process the Review Board went through with the so-called Kahn house on South Pamet Road; in that case, a plan to retain the original house and add on was developed in negotiations back and forth during the delay period. Mr. Hultin (the builder on that project) said it was a different case in that the original house was in much better shape.

Monica Kraft raised the issue of an e-mail memo written by Mr. Steinman directed to Mr. Kiefer on April 8<sup>th</sup> stating his concerns about the proposed demolition, listing its historical significance, and stating why it was important to preserve the historic building. It was sent to Mr. Kiefer because Mr. Steinman would be unable to attend the April 9 hearing. Mr. Kiefer confirmed that it was read into the record along with another letter from a member of the public. Ms. Kraft thought the e-mail was prejudicial in that Mr. Steinman was expressing a biased opinion prior to the hearing and that he should therefore recuse himself from voting on the matter before the Board. Mr. Steinman sent the e-mail as a private citizen who as a member of the Historical Commission had access to much information regarding the building's historical significance, but would consider recusing himself. Mr. Weinstein said that, based on a recent opinion from Town Counsel to the Board of Selectmen, such a memo should not be sent out. Mr. Kiefer requested a copy of Counsel's opinion so the Review Board could understand the policy.

Mr. Marksbury asked whether the project exceeded the Park's guidelines limiting expansion on property in the Park to 50%. Mr. Weinstein said that that was not in fact a legal requirement, and that the only regulations that would apply would be the local zoning and state building codes. Mr. Kiefer thanked Mr. Weinstein for the clarification and re-directed the question to Mr. Clark, who declined to respond to the question.

The discussion returned to the issue of 'historically significant.' Mr. Clark expressed frustration that so few original elements were left; he observed that it may be that someone would consider the house significant, but it was not how he wanted to live, with small rooms, low ceilings, etc. Mr. Staaterman talked about water level problems in the neighborhood because the original Little Pamet River ran through the area as another reason to consider new construction on higher ground on the site. Ms. Siegel said that by invoking the delay the Board was indicating it did not trust Mr. Clark to build responsibly. Mr. Todd said he felt the Board would be remiss under the By-Law mandate if it allowed demolition to proceed without a clear sense of what alternative was being proposed.

Mr. Kiefer referred again to the language of the By-Law and repeated that the delay was intended as a time to look at alternatives to demolition. He said that the

site visit had better helped him understand the issues and perhaps changed some of his views. The only option presented at the earlier hearing raised issues of scale and character and he hoped that the further exploration of alternatives would yield a better solution. Mr. Clark asked in what way Mr. Kiefer changed his view; Mr. Kiefer said that he had a better sense of how the original house related to the later addition and that eliminating the 'L' addition might suggest new possibilities. Mr. Clark felt he was not getting enough direction. Mr. Perry said that the Review Board was not concerned with the interior of the house – its purview was what was visible from a public way, so significance in that context includes location, shape and massing and the relationship to other houses in the area.

A general discussion of options followed. Mr. Steinman asked Mr. Clark if they had considered expanding the rebuilt barn/guest house, which has the cathedral ceilings he's planning, as his primary residence and stabilizing and using the historical building as a guest cottage; the total cost of this alternative could be less expensive. Mr. Clark indicated that was not a preference. Mr. Hultin asked if location would be critical – could the scale and massing be replicated elsewhere on the site. Ms. Kraft asked if replacement would be considered acceptable; based on other cases previously before the board, Mr. Steinman indicated in the affirmative. Mr. Clark again stressed that he did not want a solution that meant he had to live in the old house, as stated before.

Mr. Kiefer summed up the discussion. He expressed thanks to everyone who participated. He was glad that two members of the Review Board who were unable to attend the April hearing were able to attend today. He again said that he appreciated the site visit. He noted that the vote at the April 9 hearing found the building significant and invoked a demolition delay in order to provide time to explore alternatives. He said the Board could now reconsider whether the house is significant enough to warrant a delay of demolition, decide whether to continue the previous delay or to re-start the delay, and provide any guidance it could to the applicant.

Mr. Todd said that he was swayed by the amount of documentation in the record – historic building surveys going back to 1960 and later revisions up to the comprehensive PAL's inventory. During all that time, people felt strongly that the building, despite its condition, was a significant part of the historic character of the town. In addition, he thought the delay was a reasonable response and that development of options for the Board's review could happen quickly.

Mr. Perry agreed. Having seen how well the new floor structure had helped stabilize the historic building, he felt that an alternative that included its preservation should be considered. He said the Board was very willing to work

with the applicant, and suggested that the original delay start date of April 9 could be retained rather than the date of the current hearing.

Mr. Kirchner also expressed agreement that the house was historically significant and that imposing the delay was appropriate at this time.

Mr. Steinman recused himself from voting.

Mr. Kiefer found the house significant and favored delay; he indicated flexibility regarding options.

MOTION AND VOTE: Mr. Perry moved in the matter of 1 Higgins Hollow Road that the Historical Review Board confirm a demolition delay of 12 months starting from April 9, 2016. Mr. Kirchner seconded. Kiefer, Kirchner, Perry and Todd voted in favor; Steinman recused and did not vote. The Public Hearing was adjourned.

Mr. Kiefer will convey the vote authorizing the demolition delay to the Building Commissioner.

Other business:

Meeting minutes from the April 9, 2016 hearing were reviewed.

MOTION AND VOTE: Mr. Perry moved to approve; Mr. Kirchner seconded. Kiefer, Perry and Todd voted to approve; Kirchner and Steinman were not present at the April 9 meeting and accordingly did not vote. The meeting minutes will be submitted with copies of the letter and memo read at that hearing.

Meeting was adjourned at approximately 1:20 PM.

Signed for the Historical Review Board

  
Frederick Todd



