



Newsletter of the Old Village Association of Chatham, Massachusetts

Volume II

Issue IV

Summer, 1999

A National Register District for the Old Village? Old Village Property Owners to Decide

In May, the Board of the Old Village Association sent out information relating to the possibility of the Old Village applying to become a National Register District. All property owners in the core of the Old Village (Association members or not) should have received this mailing, along with a yellow response card. If, for any reason, you did not receive the material, please call Carol at 945-1627.

The Board of the Association unanimously supports an application, but the final decision must come from a wide majority of the property owners involved. It is important that all yellow cards are returned immediately. If there are

ANY questions about any aspect of the designation and how it would affect properties, the following Board members are here for most of the summer and available to help:

Bob Walsh	945-9094	Ann O'Connell	945-2838
Kathy Earnshaw	945-5857	Dick Towne	945-9437
Elinor Gelsey	945-3313	David Macadam	945-9242
Carol Pacun	945-1627		

(Sarah Korjef from the Cape Cod Commission staff is also willing to answer questions. Her number is 508-362-3828 (NOT 363 as listed in the mailing).

Around the Old Village

Thanks to Ted Keon, Andrew Hardings Lane beach has never looked better! The new, dredged sand, which has covered up almost all the goop and grime, is a glowing white. And, if our limited research is accurate, the neighbors are back!

Ralph Lightfoot has resigned from the Waste Water Management Advisory Committee after three years of hard work. David Macadam has offered to replace him as the Old Village representative on the Committee. We thank Ralph for his dedicated service.

The Long Range Plan lurches ahead. The Open Space and Recreation segment has been presented to the Selectmen. Of interest to the Old Village are the Committee's goals, which include restoring public access to the town landings along the harbor. The Committee is suggesting parking on one side of Holway Street and adding a turnaround for vehicles there and at Andrew Hardings Lane. Also being considered is increased pedestrian usage of Water Street Extension and Mistover Lane for viewing. If any one is interested in getting a copy of the report or commenting on these goals, call Margaret Swanson at the Planning Board (945-5168).

Wastewater Needs Assessment

In the Needs Assessment of the Chatham Comprehensive Wastewater Management Planning Study, released in mid-May, the Little Mill Pond was identified as one of five embayments in the town found to exceed the surface water standard. This standard refers to the amount of nitrogen in the water. In exceeding the standard, the Little Mill Pond risks a run-away algae bloom resulting in fish kills and similarly undesirable consequences.

In addition, eight properties at the west end of Eliphamet's Lane, near the east shore of the Mill Pond, were identified as an area of potential concern.

The Title V septic systems, now largely in place, address major health issues but not nitrogen loading of coastal embayments.

The Needs Assessment is the first of a four-stage Comprehensive Wastewater Management Planning Study mandated by the state. The remaining stages include identifying and screening alternative solutions, providing detailed cost/benefit evaluation of the alternatives, and formulating the best plan for solutions that can be accepted and implemented by the town's residents.

This study will move forward during the coming months and should be a matter of interest to all residents of the Old Village.

David Macadam

The scariest moment for a new kindergarten teacher is when she looks out for the first time at 20 or so small beings – some eager, some frightened, some downright hostile, with the ever present one or two who are clearly weighing the pros and cons of escaping through the window. A whole year ahead. How to manage this motley crew for the entire school year?

A teacher's lesson is learned quickly: there's only one way out. RULES.

After I left teaching, I thought I'd put behind me the always difficult issue of rules – their setting and application. Then I became involved with town issues. After a few false starts, I realized that, indeed, all I needed to know about what made Chatham work – or not work – I learned in kindergarten. The same hard-learned truths about rules apply here as they did in the classroom.

1. Rules have to make sense. Asking 5-year-olds to work quietly is a truly counterproductive effort, which is not unlike the changes the Mass. Highway Department (MHD) expected from the Main Street reconstruction in the Old Village. One of the town's consultants even admitted that MHD rules have become so convoluted that no small town could possibly satisfy them all. So the Old Village was caught in some sort of never-never land, where everyone involved understood – but was perhaps unwilling to admit – that the whole project was a terrible mistake.

2. Rules must be clear. Have you ever tried to tell a small child to do six things at once? Read the MHD manual, which, for starters, conveys its words of wisdom in metric, a language which no one (except, perhaps, fellow engineers) understands.

Editorial

Rules: Lessons from a Kindergarten Classroom



3. Rules must be taken seriously. A common mistake young teachers (and parents) make is to set up rules and fail to apply them consistently. No 5-year-old worth his salt fails to get the message when “no” really means “maybe” – that “no candy before dinner” really means that with enough whining and crying the chocolate is his. Take this error into the realm of regulatory agencies. The growing amount of appeals before town agencies and the percentage of appeals granted tell us either that the rules make no sense (see #1 above) or that variances and special permits are the Chatham version of “maybe.” When did the concept of “hardship” disappear into the system? What happened to the word “exception?” Rules have become guidelines. Like rats conditioned in a laboratory experiment, we have internalized a learned response toward more and more requests.

4. Rules must be enforced. It is chilling for us all when the Building Inspector is quoted in the paper that, yes, the new house on Shore Road is in violation of town bylaws, but, no, not much can be done about it. Think what kind of message that sends to other builders and developers. A little violation here, a little violation there,

what does it matter? How much easier it would be if everyone understood that the bylaws the voters of this town enacted would be enforced, unless there are overwhelming reasons to grant an exception.

5. Beware of the “teacher’s pet.” We all remember her (and it was always a her – right?) who got away – or seemed to get away – with anything and everything because somehow she had special status with the teacher. In a classroom, and everywhere else, even the perception that some are more equal than others wrecks havoc with the system. That’s why, especially in Chatham “where everyone knows your name” (and your business), conflict of interest rules are so important to follow.

6. Rules make people happy. Clear rules which we can all count on make life so much easier. Think of all laws we live with without giving them a thought – we know they apply to everyone and are pretty sure of the consequences. Just tell us what’s required – like obtaining a license to drive – and we gladly do it in the knowledge that everyone’s in the same boat.

I remember a student of mine, Jennifer, aged four. Her mother picked her up one afternoon and asked about her school day. “Charlie hit Tony,” Jennifer said, eyes rolling. “What happened?” asked her mother. “Oh,” said Jennifer with a certain amount of complacency, “My teacher put his’n in his’n cubbie. That’s what happens.” Indeed. A victory for rules, clearly understood, fairly administered, and quickly enforced.

Perhaps new bylaws and regulations are needed in Chatham. But why bother if no one pays any attention? Calling all kindergarten teachers!

Carol Pacun

Appeal Filed in 46 Water Street ZBA Decision

The YWCA of Philadelphia, owner of three properties on Water Street, has appealed in Land Court the decision of the Zoning Board of Appeals (ZBA) concerning the new house planned to replace the present house at 46 Water Street. We are watching this case with special interest. Apart from the merits of the appeal, on which we are not taking sides, the issues raised have the potential of changing both the review process and the procedures regarding the replacement of homes on lots where the present house has been demolished.

The first issue of the appeal is one of due process. The YWCA claims that complete building plans were not filed with the application and were not available in time for them and the other neighbors to respond. As anyone who has been

reading this Newsletter knows, the Old Village Association has been trying for several years to get the present ZBA rules modified so that our nonresident property owners have a full two weeks to send for the plans of any construction that concern them. A favorable ruling for the plaintiff on this issue might well serve to spur this effort along.

The plaintiffs’ second request involves the standards the ZBA uses for new houses planned on lots where a house has been demolished. It is present practice to allow a property owner to use the footprint of a non-conforming, demolished house as a basis on which to apply for special permit to allow the non-conformities to continue. However, if the owner

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Special Newsletter Supplement

1995–1999: Main Street Reconstruction Project Reconstructed

MAY 9, 1995

Town meeting approves Article 2, which allocates \$150,000 to design three roads (Main St., Queen Anne Rd., and Crowell Rd.) and Article 17, which provides \$350,000 for design and reconstruction of a portion of Main Street.

FALL 1996

VHB selected as engineer-designer for Main Street Reconstruction Project from Rotary to Bridge Street. Project slated for "the next two years" at a cost of 1.1M.

OCTOBER: First public meeting. Residents express concern about the Disney-ification of Main Street. Underground utilities seen as important element. OVA and CHC both write MHC to alert them that project involves historic areas.

1997

FEBRUARY: PD Annex Bulletin reports that Bill Dalton, Projects Engineer, MHD, District 5, has "pledged his support for MHD waivers for downtown."

MARCH: VHB's "Utilities Feasibility Study" complete. VHB nixes underground wires and recommends improving poles and upgrading lighting instead.

Tom Groux appoints Margaret Swanson, Town Planner, project manager/team leader.

MAY: Dalton urges further testing of storm drains...warns that "stormwater upgrade would not be automatically eligible...for State funding." \$8,000 added to \$168,700 VHB contract to study storm drains.

Neighbors at Bridge Street intersection receive notice in mail of land takings – to be voted on at Town Meeting two weeks away! Marie Griffin to lose lawn and two trees, road to be widened to within 3' of Giles Chapin's house. OVA and neighbors launch into action. Land taking items summarily removed from warrant. "Just a simple misunderstanding," according to Town Hall.

JUNE: Tim Wood writes an editorial on "Main Street Creep" in which he worries about Business District spreading eastward.

SEPTEMBER: CHC writes PD that it wants "as little disturbance as possible to streetscape" and that "all proposed changes be evaluated from the point of view of aesthetics and historical integrity."

SEPTEMBER 11: Public Meeting at Library attended by almost 100 property owners. Plan to extend a sidewalk on the north side of Main Street to Shore Road announced and torpedoed by a vocal audience, also worried about the dangers of the "creep." Design ideas seen as "too cutesy" and out of character: why change a streetscape that other towns would die for? Parking issue defined. Pat Marx suggests that the PD hold a "charette" so that property owners can talk through plans with VHB. Article to go to Town Meeting on underground wires.

FALL: Main Street Reconstruction Project listed as a Barnstable County Transportation Improvement Project at 1.1M funding

KEY

CHC	Chatham Historical Commission
MHC	Mass. Historical Commission
MHD	Mass. Highway Department
VHB	Vanasse, Hagen, Brustlin, Inc., our consultants
PD	Planning Department, Town of Chatham
OVA	Old Village Association

level, fiscal 1998. PD to ask for further ISTEPA (federal) funds for "enhancements."

NOVEMBER 7: Town Meeting indefinitely postpones mandate for underground wires. Underground Utilities Committee vows to continue on.

NOVEMBER 12: All day "charette" with Margaret Swanson and Steve Derdarian, VHB designer. Group walks length of business section, with much discussion of bump outs, loss of parking, and cross walks. Steve assures us there will be "almost" no design changes from 400 Main on. After meeting, Steve goes to Bridge Street with a small group, but without the VHB engineer present he cannot answer questions about roadbed, sidewalks, or the intersection.

1998

Public meeting now set for April to review the 25% design phase. OV nonresident homeowners ask that the meeting be postponed until the summer when more people can attend.

APRIL: At informal meeting at PD with charette participants, representatives from the Beach Club, and town officials, VHB unveils road design for intersections. Shore Road–Main Street gets an island and Bridge Street a major overhaul (5' sidewalks on either side, road realignment), which will require easements and land taking. Retaining wall with chain-link fence drawn for the eastern side of Beach Club property.

PD, VHB, and MHD meet to discuss Bridge Street intersection, Overlook, and business district waivers. In August, VHB submits 4 alternatives for Bridge Street intersection and recommends the one already designed.

Public meeting postponed until July.

MHD (TIP) grant increased from 1.1M to 2.8M, with an additional 1M promised for "enhancements."

Summer comes and goes without a meeting.

OCTOBER: VHB asks for another \$169,000 for design work.

NOVEMBER 12: Public Meeting at the Annex. Overflow crowd. Discover 25% phase has already been sent to MHD. Trish Domigan of VHB uncovers plans...much discussion on business district, but time runs out before OV can be explored. Chatham Alliance asks for (and finally obtains) copy of plans for Library. Plans in metric, impossible to read, but attract much attention and concern, especially from homeowners along Main Street. Letters start pouring in.

Representatives from CHC and OVA meet with Peter Saunders, a local resident and civil engineer, who explains the plans and points out where the changes will be. Due to widening of road and 5' sidewalks, houses, especially on the eastern side of Lower Main Street, will lose lawn, shrubs, and trees.

over

NOVEMBER: OVA invites Doug Bohman, Tom Bernardo, and Ron Bergstrom to walk the route, highlighting the Bridge Street intersection. Bohman and Bernardo seem open to OVA request to stop MHD-funded project before Overlook to avoid the whole land-taking controversy and loss of parking places at Overlook. Nothing in writing.

DECEMBER: Upon the advice of MHC, on 12/17 OVA Board sends letter to Chief Engineer at MHD to ask him to consider negative impact of design on historic character of Old Village streetscapes and houses. Copies to Selectmen, PD, and Chronicle. Supporting letters sent to MHD from Chatham Historical Society, CHC, and individuals along the route. Residents consider legal representation.

Neighbors and OVA representatives attend Traffic Study Committee meeting to plead for immediate traffic calming devices at the Bridge Street intersection. Committee listens but is generally unimpressed. Henry Bedford agrees to cut his hedge back to improve visibility.

1999

Carol Pacun gets 7 pound MHD manual from husband for Valentine's Day. Ah, romance!

Handicap-access issues surface. PD writes letter to MHD saying that sidewalks must be widened to 5' because of obstructions such as "telephone poles and hydrants," which are presently limiting access. Carol gets her camera out and sends MHD pictures of unobstructed sidewalks, telephone poles on the eastern side of Lower Main, and a thick packet showing the historic homes that will be negatively affected by the changes along the route. OVA Board meets and agrees that resurfacing of sidewalks is a top priority and that widening them to the required 4 feet for handicap access could be done without harming streetscape.

JANUARY: Selectmen hold hearing to consider removing Bridge Street–Overlook from the project. Kevin McDonald and Margaret Swanson disagree and suggest, instead, an Advisory Committee (AC) to deal with enhancements and public concerns. Kevin suggests some "charette" people be appointed in that they have a background on the project. He tries to discourage the AC from considering "nuts and bolts" (road width) issues, but finally agrees after Nancy Yeaw states that roads and sidewalks are indeed "aesthetic." Kevin suggests that the AC meet with VHB as soon as possible to get a course in "Highway 101."

Nancy, Elinor Gelsey, and Carol retreat to the Squire. Highway 101, indeed! They hit the MHD manual with a vengeance and WILL be prepared for the next meeting.

Beach Club representative attends Traffic Study Committee to plead once again for traffic calming devices. Committee rejects request, saying intersection is safe "for vehicles."

LATE WINTER–SPRING: AC, comprised of David Veach, Nancy Yeaw, Jack Hynes, David Oppenheim, Scott Hamilton, Dick Spitzer, and Carol Pacun, meet on a regular basis to study a larger, clearer version of the plans. The Selectmen refuse Committee's request to contact VHB directly. Group forges ahead with its own research. David Veach measures every street in town to assess widths and gradually all members come to the conclusion that the OV design is "clearly unacceptable." Carol then calls MHD personnel and Cape Cod Commission Highway Transportation Committee members

and learns that, in all probability, the only way the project can go forward successfully is to sever the section which has little public support. The Committee then unanimously recommends to the Selectmen that the OV part of the plans be separated from the business section and that any work on OV section be put on hold as the town concentrates on the storm drains and the business section streets. CHC writes strong letter in agreement.

Formal written improvement of enhancements grant arrives. Money (1.1M) will not be released until MHD approves project.

VHB contract costs rise to over \$300,000.

Chatham's place for the TIP State funding is moved back to the next millennium. Newspaper articles indicate the "Big Dig" is siphoning off funds for local projects.

APRIL 22: Margaret Swanson and VHB meet with new reviewer for MHD in Taunton. Funding for entire project is in jeopardy. MHD finds Bridge Street–Overlook design unacceptable and seems to reject waivers for downtown due primarily to substandard lane widths. Design for Shore Road intersection also goes down (just as well, since parade vehicles probably couldn't get around it). AC's recommendations get sidetracked by Margaret's report, which stuns and angers Selectmen, who threaten to march to Beacon Hill and take the town flag away.

MAY: Silence. AC votes to send request to Selectmen to please make a decision on its recommendation so Committee can decide what to do next. Committee disconcerted by information that VHB is still tinkering with OV plans. Bridge Street–Overlook removed from project.

JUNE: Traffic Study Committee meets at request of OVA to revisit Bridge Street safety issues.

LOOKING AHEAD: June 16 AC meeting McDonald, Swanson, and Borthwick to attend.

TUESDAY, JUNE 22, 4:00 PM

Selectmen to discuss AC recommendation to sever OV section from MHD project.

PLAN TO ATTEND

And Special Thanks to . . .

One of the most positive results of our work on this project was the number of people who helped us along the way. In particular, we are grateful to the Chatham Historical Society and the Friends of Trees for their letters of support. Selectmen Doug Bohman and Tom Bernardo were willing to talk at any time about any phase of the project. We appreciate the help of Peter Saunders, and the words of encouragement from Chatham people who expressed so eloquently their belief that the preservation of the Old Village is important to the entire community.

While MHD rules may be arbitrary and unforgiving, the staff members of State agencies could not have been more accessible and helpful. In particular, we would like to thank Jim Elliot, David Luce, and Frank Romano from MHD, Gary Hammer from MHC, and Bob Mumford and Priscilla Leclerc from the Cape Cod Commission.

Finally, nothing could have been accomplished without the CHC members, Chairman Nancy Yeaw, in particular, who did massive amounts of work and stayed in there to support the historical integrity of the Old Village through thick and thin.

Look Good and Support the Old Village Association

Perhaps you've noticed some of us around the Old Village sporting spiffy tees in fabulous colors. These are garment dyed with our own Old Village logo and now, thanks to Kathy Earnshaw, you can have one too!

ITEM #	COLOR	DESCRIPTION
937	Caribe	The ocean on a perfect summer day.
932	Cumin	Spicy, yet subtle salmon-brick color.
1268	Wisteria	As delicate as its flower namesake.
857	Washed Denim	A summer classic.
706	Stone	Light khaki.

SIZES: S – XXL

PRICE: \$15.00 (\$2.00 extra for XXL)
All profits go to the Association.



ITEM #	COLOR	QUANTITY	SIZE	PRICE
TOTAL				

To order your tee(s), fill in the above form and send with check, to OVA, Box 188, Chatham, MA 02633. We should have your order in 2 to 3 weeks. Please call Elinor Gelsey at 945-3313 to arrange pick-up.

Down the Road: How to Avoid Potholes Now and in the Future

The long and arduous journey we all made during the Main Street Reconstruction Project is not yet over. Nor can we assume that, if the Old Village property owners are successful in trimming back plans that could have radically changed our streetscapes, there will not be other troublesome projects ahead. The Wastewater Management Study looms on the horizon. Issues, such as revetments, public access to town landings, parking, and beach erosion, will be with us for a long time. Attention must be paid.

We quickly learned the importance of paying attention to every detail of the reconstruction project. This meant huge chunks of time and effort, caused to some extent by the Old Village's not being formally listed as a National Register District. Much of our energy was spent accumulating data and verifying the historic value of the Old Village. If Main Street had been a part of a National Register District, all that work would have been done and on file

and – more importantly – a factor that VHB would have taken into consideration from the very beginning. Yes, the Board of the Association can – and will – advocate for Old Village preservation when it is threatened. But, right now, there are no guarantees of success.

This project pinpointed another truth: the absolute importance of collaboration and consensus. Town employees and property owners must work together – particularly if funding is dependent on public support. Yes, democracy is messy and may cause delays, but in the long run, public participation saves time and MONEY. Also, a concerned group of citizens who are willing to keep themselves informed, pay attention to details, and ask questions, are a powerful force. Our early involvement in street and sidewalk issues has proven beyond a shadow of a doubt the necessity of working together to find consensus and supporting one another in a positive way.

"Streets and roads do not exist in isolation from their surroundings. They pass through a landscape full of people who are somewhere rather than going somewhere."
–Take Back Your Streets, Conservation Law Foundation

Appeal Filed (continued)

had to submit plans on the same property without a house on it, there would be stricter regulations involved and, in all likelihood, a variance (more difficult to obtain than a special permit) would have to be sought. In other words, if an owner removes a structure from his property, can he or she still ask the ZBA to apply standards which would be used if the structure were still there?

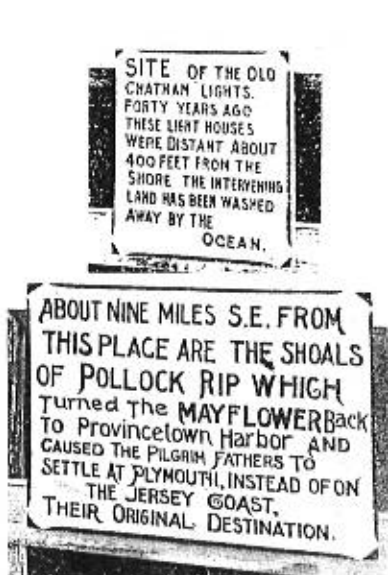
Both of these issues warrant our careful attention. Although many of these cases are decided on narrow grounds, there is some hope that the decision in this case will offer some clarity about the role the ZBA will play in the efforts we make to keep people informed and to discourage un-warranted demolitions of historic properties.

Sam Streibert's column, **Architect's Corner**, will resume with the next issue as well as more Hawes House memories.

Old Village Association Newsletter
Editors Carol Pacun David Macadam
Contributor Elinor Gelsey
Banner Bob Staake

The Old Village Association, Inc.
 Box 188
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The Overlook Back When



Parking problems, 1930's style.
E.D. West Co. postcard discovered by the Cape Cod 5c Savings Bank.
 Signs attached to fence at Overlook.
 Dates unknown. Courtesy of Joanne Holdgate, Town Clerk.

Old Village
 Association
 Annual
 Meeting
 Sunday
 August 22, 1999
 4:00 PM
 Place to be
 announced

Old Village Association, Inc.

<i>President</i>	Carol Pacun	<i>Directors</i>	Sally Daniel	David Macadam	Theodore Streibert
<i>Vice-President</i>	Elinor Gelsey		Kathleen Earnshaw	Ann O'Connell	Richard Towne
<i>Treasurer</i>	Richard Towne		Elinor Gelsey	Carol Pacun	Robert Walsh
<i>Clerk</i>	Ann O'Connell		Ellen McKinley	Harris Richardson	