



2006 Recap: While Chatham Slept

From all outward signs, Chatham weathered the winter with barely “a whimper,” with no hints that a resounding “bang” loomed on the horizon. Issues important to the Old Village, such as wastewater and the zoning rewrite, disappeared behind a radar screen. Hearings were not televised or often reported in the newspaper. Only the brave or perhaps the masochistic (who were muzzled at the zoning rewrite sub-committee meetings) bothered to attend. Town meeting articles trickled in, with the proposed real estate transfer tax the only possible issue which had the potential of awakening a sleeping public. Two selectmen were to be elected in May, but only the incumbents took out the necessary papers.

Then came the first big “bang.” Only a couple of weeks before Town Meeting, a member of the Airport Commission, who felt the Cape Cod Commission had unduly delayed a plan to improve the airport, prevailed on 14 residents to sign a petition which would automatically place an article before Town Meeting authorizing the selectmen to ask the state legislature for permission for Chatham to withdraw from the Cape Cod Commission. The rationale for this seemed to be that Chatham, being the wonderful town it is, with an over-abundance of boards and commissions, did not need the Cape Cod Commission’s help (i.e., interference) in its affairs. As those who received the Old Village Association mailings know, the potential success of this petition carried with it the elimination of the Cape Cod Commission review process which had for five years protected Old Village National Register District historic homes from demolition and inappropriate substantial alterations. Immediate action by way of phone calls and letters from Association members ensued, and might well have played some part in the decision of the very reluctant Board of Selectmen to vote (3-1) against the

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Save These Dates...

Thursday, July 27

“Iced Tea and Cool Conversation”

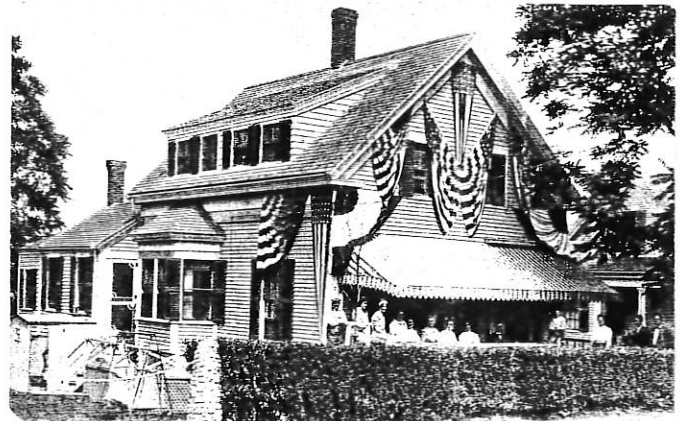
Meet your neighbors, enjoy one of the Old Village’s most spectacular views and learn more about the Old Village Association. New members especially welcome! At the home of Naomi Turner and David Veach, 100 Main Street (at the water’s edge) July 27th, at 4:00 p.m. Please call for a reservation: Nancy Koerner at 945-2081 or Debbie Aikman at 945-8969. Limited to 25 guests. (If there is a surge of interest, we will hold another session.)

Sunday, August 27

OLD VILLAGE ASSOCIATION ANNUAL MEETING

7:00 p.m.

Chatham Beach and Tennis Club
Business Meeting /Special Program.
More details later.



Happy  4th!

EDITORIAL

“PROPERTY RIGHTS” PALACES: Where Did Community Rights Go?

Love them or loathe them, the growing number of massive new houses which dot our landscape are, if nothing else, symbols of Chatham’s new obsession with property rights. They are proof that in this town individuals have continued to push hard for the absolute right to do with their property exactly what they want when they want it. Regulations are often bypassed, special permits are routinely granted, with zoning bylaw rules often regarded as mere “suggestions,” ripe for a challenge to higher authorities whenever and however possible. Adverse rulings, when in the rare case a project is denied, often result in threatened (and costly) law suits which the town clearly prefers not to risk.

The majority of the selectmen have become ardent advocates of the doctrine of property rights. They have, through the course of the last few years, even gone so far as to purge from regulatory boards and commissions those who disagree (i.e., those who believe in controls on development) as well as openly and in private calling people still serving into private meetings, with warnings to shape up or get out. (This from many of the same leaders who in 2000 thought not one whit about property takings when the properties involved stood in the way of a wider Main Street.)

The obsession on protecting the individual from government regulations is not exactly new in this very independent New England town, and respect for property rights plays an important role in our society. However, what is missing today in Chatham is the balance between what one person wants and what is beneficial for the community as a whole. The “right” to enjoy one’s own property also carries with it a responsibility to take into account the rights of neighbors and the community at large. Property rights should not be interpreted in such a way that any one person can build or reconstruct buildings that destroy the privacy, views and quality of life of the neighbors. This is particularly true in the Old Village where most lots are small and non-conforming with many present structures only a few feet away from lot lines. Inappropriate changes can have devastating effects on neighborhoods.

A truly responsible citizen has an obligation to be sensitive to the needs of others, to acknowledge that in the long run his own quality of life does not rest solely on what he can do on this own property, but on the decisions made by his neighbors and his community. Nearby houses, surrounding trees, vistas and views add a special dimension to each and every property in a neighborhood. Each person, for his own good as well as for the good of others, would be wise to act accordingly. What comes around goes around.

Individual responsibility is important, but to assume that each and every owner will necessarily agree on what is special to preserve in any specific neighborhood is unrealistic. That is why, like it or not, government must play a role. By this I mean that it is up to the body politic – the community and its leaders – to ask individuals to live up to a set of standards on which most property owners agree. Townspeople have an enormous responsibility to set guidelines, establish goals for the future and make sure that bylaws and those who enforce them, are committed to this endeavor. The task is complicated, involving our willingness to come together as a community. Some of that necessary work has already been done. In 2003, with the help of literally hundreds of residents, a detailed Comprehensive Plan for Chatham was unanimously passed at town meeting. But, like plans before it, this major effort has not found the light of day in terms of specific actions. The time has come. This summer and fall, the residents of Chatham will be asked to study a new zoning bylaw rewrite and determine if it will codify the goals the Comprehensive Plan set for Chatham. To do that, we have to understand that “property rights” are only one part of the equation, that being a part of a community requires responsibility and even sacrifice.

Carol Pacun, editor



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www.oldvillagechatham.org

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In Memoriam

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“MEGA-MANSIONS”

WHAT WILL THEY CALL THEM AND HOW CAN THEY BE STOPPED?

Architectural historians, over the years, have clearly defined the many truly residential styles of fine home designs and have given them the names so familiar to us: Dutch Colonial, Queen Anne, Tudor and Craftsman; Victorian, Gothic, Georgian and Spanish Mission; Saltbox, Federal, Shingle-Style and the Revival – all easily recognized and each with its own distinct features.

What will historians call the replacement houses that are becoming so prevalent today? Without thoughtful rewriting of zoning regulations, villages and towns on the Cape, on Long Island, and all along the East Coast will be facing the intrusions of these non-descript replacement residences. Instead of remodel and restore, it has become tear down and build bigger.

Years ago, modest homes were built on modest lots, and larger homes on bigger lots with air and space around them so they could be enjoyed without congestion and barrier fences. Now, the idea is to start at the side-yard setback lines and fill in the space between, replacing those modest, comfortable, and lovely residential styles with as much square foot area as can be created and with as many features as can be incorporated from the past styles, thereby creating the “Replacement Mega-mansion.”

Without Floor Area Ratio (FAR) and lot coverage regulations, the house can take up as much of the lot as the owners feel they need for living space. Without “skyplane” restrictions (a 45 degree angle plane drawn from each property line, vertically, through which no part of the building can protrude), the house can go as high as the owners feel they need to, after cutting down the trees, to look out over the tops of neighboring homes, and we now have wall to wall “Replacement Mega-mansions.”

The next problem we have is how to blend in with the surrounding variety of residential styles, and here is where the computer comes in. All of the design features of the traditional styles are available, so, with the click of a mouse, a wraparound porch is added, a turret with a witch’s hat roof is placed at one corner, a variety of round, oval, Palladian and rectangular windows are put in, some with out-of-proportion false shutters, some with window boxes, some without. Roof lines include gables, hips, doghouse eye-brow and shed dormers, wide eaves, bracketed eaves and slim-line gutters, and now, many of the neighborhood features have been

incorporated. This is where architectural review by a Board needs to be considered.

Place a colonnaded portico with built-in benches over the double elliptical, etched-glazed front doors, and that supposedly means traditional features have been included. Let horizontal siding give the house more length, add a three car garage, and that lovely existing neighborhood has gained a way-oversized new house, thus making the other homes uncomfortable for having been established where they are. They will have to go next!

And now, this contemporary mish-mash of individual elements taken from well composed historical designs so unique to each style just sits there, having replaced a fine old modest home. Someone needs to come up with a name for this 2000 era replacement style, and the code committees need to address the issue seriously, before this no-name style creates an urban atmosphere that changes the quaint and open feeling of our lovely established towns and villages that we all have loved so much.

*Robert A. Aikman
Sea Cliff, NY*

Bob, a member of the Old Village Association, is on the Architectural Review Board for the Village of Sea Cliff. Among other projects, he was the Architectural Supervisor for Construction for the J.F. Kennedy Center for the Performing Arts in Washington, D.C.

NAME THIS HOUSE



Perhaps a “Post Modern Victorian Colonial Shingle-Style Cape Cod Cottage”?

UPDATE ON THE ZONING BYLAW REVISION: HOW IT WOULD AFFECT THE OLD VILLAGE AND SURROUNDINGS

The rewrite of the town's protective zoning bylaw is continuing to march along toward a Special Town Meeting vote tentatively scheduled for sometime in November. After some difficulties with the document, the Planning Board has promised a revised draft (\$10, at the Annex) ready about a week before its series of four public forums on the bylaw, scheduled for July 10, 17, 24 and 31. These meetings are important in that in all probability they will be the only opportunities for people to have any input into the document which will

be finalized in August. The format of the draft itself (some 146 pages long) makes it difficult to understand. (The Long Range Planning Committee has asked for a user-friendly executive summary, but no date has been set for its completion.)

In the meantime, here is a thumbnail version of the key sections of the revised May 23rd draft of the new zoning bylaw which would directly affect the Old Village and the surrounding area.

THE ZONING BYLAW REVISION – WHAT'S IN AND WHAT'S OUT

OLD VILLAGE BOUNDARIES

The area of the Old Village included in the National Register District will remain unchanged; i.e., zoned R-20 (residential).

TRANSITION AREA BETWEEN HOMESTEAD LANE TO MULFORD HOWES LANE (on the south) AND 400 MAIN TO THE DOLPHIN (on the north)

Present Bylaw: General Business District

Original Proposal : Transition District with multi-family housing (opposed by Old Village Association) This has been deleted.

Revised Bylaw: changes area in question to R-20 (*all present businesses could remain as non-conforming uses, but changes in use would require Special Permits*)

ANALYSIS

The changeover from a business to a residential district in this very small area makes total sense, in that the area is now partly residential and abuts the National Register District. There will be no harm done to present businesses, which will remain as non-conforming uses. Unless Town Meeting votes otherwise, those buildings will remain under HBDC jurisdiction, so exterior changes would be subject to their review.

NON-CONFORMING STRUCTURES AND LOTS

History: The Comprehensive Plan, passed in 2003, strongly recommended a tightening of the non-conforming sections of the existing bylaw concerning the size and mass of buildings and additions that were

built on undersized lots, as well as intrusions into setbacks caused by renovations. The present bylaw either leaves the decision to the building inspector or, by Special Permit, to the Zoning Board of Appeals. (Most appeals to the ZBA are granted.)

WHAT THE REVISED BYLAW DOES OR DOES NOT DO

The Planning Board has merely skirted the issue of "McMansions" and has not taken any measures which would discourage those buildings which overwhelm lots, negatively impact streetscapes, and have particular impact on sub-standard lots. Although early in the drafting process the Planning Board showed some concern about issues of non-conformity, no changes made it into the draft. Alterations and additions that intrude into the setback areas continue to require only a Special Permit (the way it is now), with the precise language unclear as to when a Special Permit or a Variance is required.

ANALYSIS

Many Old Village Association residents believe that this issue is one of the most important that faces the Old Village today. Other communities have taken steps to prevent overdevelopment on small lots and to preserve the privacy of abutters and neighbors, such as using Floor Area Ratios (FARS), a system of building measurement which make it considerably more difficult to max out a property on an undersized lot, or requiring Special Permits for buildings over a certain size. At this point, we see no evidence that there has been any meaningful discussion of these choices by the Planning Board.

CLUSTER BYLAW REVISIONS

History: The 2004 Town Meeting adopted a bylaw which allowed clusters of homes (outside standard zoning rules) on properties with a 5-acre minimum. This bylaw included appropriate controls on density and with an emphasis on open space around the clusters for a more rural effect. The voters selected a bylaw drawn from a Cape Cod Commission model that was considerably stricter than one proposed by a local developer, who advocated “clusters” on parcels as small as two acres. The cluster bylaw in the present revised zoning rewrite would reverse the Town Meeting vote and permit clusters on parcels with as little as 40,000 square feet (less than one acre!), and would reduce open space from 50% to 35%.

ANALYSIS

The concept of clusters on large lots, which allows houses to be placed closer together, surrounded by green space, is certainly valid. However, clusters which are built on small lots add to density and negate the purpose of the bylaw, in that much of the leftover land ends out being used for sidewalks and driveways, not public or contiguous green space. Any change of this nature which would override a bylaw passed by Town Meeting only two years ago needs more thoughtful discussion.

A FINAL THOUGHT

The zoning bylaw revision will, if passed, become the absolute legal document which will be used to decide all building issues in Chatham for years and years to come. As a neighborhood association with an overriding interest in public participation, we continue to be concerned about a bylaw which no one seems to understand, which has not been properly explained in terms of the Comprehensive (Long Range) Plan, and which has not been accompanied by clear, concise (and free) materials. We are puzzled by the artificial deadlines set for public input and by the Planning Board’s rush to get this bylaw completed in August and put before a special town meeting in November. What exactly is the hurry?

– *Information provided for this article by Norm Pacun*

Zoning Bylaw Rewrite Timetable – As of Today

The Planning Board has tentatively announced its timetable for public hearings on the proposed zoning bylaw revisions. All information may be subject to change: call the Annex (945-5168) for correct time and place!

1. The final zoning bylaw draft may be available at the Annex around the July 4th weekend at a probable cost of \$10 each.
2. As of now, forums are planned for July 10, 17, 24 and 31. The public may participate, but speakers may be limited to 3 minute comments.
3. August: Planning Board will make revisions. The final version of the bylaw will be released at the end of August as a warrant article.
4. Fall: Planning Board will hold at least one public hearing, as required by law, in order to explain the proposed bylaw to voters. Comments will be taken, but if the present schedule is followed, any actual amendments would have to be made on Town Meeting floor.
5. The Special Town Meeting vote will most probably be in mid-November. (The bylaw requires approval of 2/3 of those present and voting.)





From the President

Summer is fast approaching and many of our members will be returning to the Old Village after having been “away” of a number of months. They’ll be pleased to see the three wonderful renovations in our area that have been recognized with Preservation Awards this Spring – the Foley house at the corner of Main and Water Street, the Veach house overlooking the water just up the street from the Foley’s and the Hutchinson house located behind the lighthouse. We’re so fortunate in having these wonderful examples of how tastefully an older home can be brought up to date, while still maintaining the charm and integrity that makes it so authentic and appealing. The new garage at the lighthouse was also recognized for the masterful way the Coast Guard maintained the appearance of the original garage yet modified it to meet today’s needs. The site of the former Dolphin Motel is another success story. The old Captain’s house is being restored and the adjacent property has been cleared of buildings and attractively landscaped. We are also pleased with the improvements to the pathway leading to the Mill Pond from Water Street. The town has restored the path by clearing brush, adding steps and addressing the drainage issue.

We are indeed fortunate to have these properties treated so well. And this is really our goal as stated in our Articles of Organization: to preserve and protect the historic nature and architectural beauty and integrity of the Old Village area of Chatham. I hope we can continue to do so well in the future.

Nancy Koerner, President

Water Street Extension: A Real Path!

The poison ivy infested bumpy – some say, dangerous – path which led from Water Street extension to the Mill Pond has, thanks to the Chatham Highway Department, a brand new look. The brush has been cleared away, the surface mulched, wooden steps have been added, and at the top of the hill, a new below-ground drain will prevent run-off (or run-down, in this case) during storms.

A Cape Cod Commission Review at 43 Holway Street

This spring, the Chatham Historical Commission referred the planned reconstruction of 43 Holway Street, an historic house within the National Register District, to the Cape Cod Commission (CCC) because the changes involved over 25% of the floor area of the house and were considered “substantial”. As required by the Cape Cod Commission Act, a CCC sub-committee held a hearing on the project on May 18 and then another session on June 20 with the hope of encouraging the architect to revise his design so it would be considered to be historically appropriate by the Chatham Historical Commission and representatives of the Old Village Association. There will be a hearing before the full CCC Committee on July 13 in Barnstable. The public is welcome to attend. This is the first time in four years that the local Historical Commission has referred a reconstruction of a National Register District historic house to the Cape Cod Commission. Most restorations are reviewed informally and the owners work with the Chatham Historical Commission to make sure that the historic integrity of Old Village houses are protected.

A Note about Andrew Hardings Land Beach

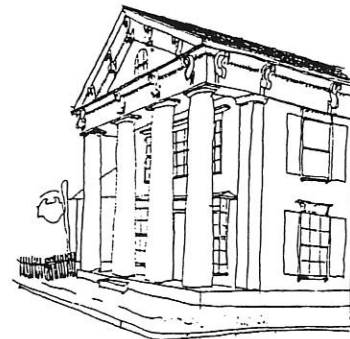
Ted Keon, Director of Coastal Resources, reports that the Corps of Engineers dredge was in Chatham for two weeks (instead of the usual four), and that the entrance to the channel is barely free. He may have to call the County dredge back in the fall to keep the channel open and that the AHL beach would be one of the most likely places to put the sand. Once the rain stops, the mound of sand which is blocking the entrance to the beach at Andrew Hardings Lane will be smoothed over to once again allow for public access. The sand had accumulated onto the road itself after Chatham’s very rainy spring.

Recap - continued from page 1

secession. At Town Meeting, the petition was withdrawn. The selectmen continued to make it clear that they would be watching the Cape Cod Commission's every move. Fortunately –and quite incidentally–the county government was in the process of selecting a panel of Cape residents with some actual knowledge of the Commission to conduct a study of the Commission's work and its future activities on the Cape. This group should be meeting shortly. The Old Village Association will definitely monitor these hearings, and offer suggestions when appropriate.

"Bang" number two. After one of the selectmen running for office voted for the petition to secede from the Cape Cod Commission, the Chairman of the Historical Commission (and Old Village resident) Don Aikman decided that it was important that voters have another choice, and allowed his name to be put in as a write-in candidate for selectman. This did happen, with little ado, and in the final vote over 400 voters (out of about 1200) decided a change might be a good idea. This could hardly be considered as a seismic event. After all, people have been running as write-in candidates forever and most citizens have accepted the write-in as a legitimate choice in a democratic election. However bizarre, the resulting bang in Chatham was loud and ugly. A Chronicle editorial stated that Don's write-in campaign "undermined the electoral process," a letter from the chairman of the HBDC opined that the write-in was a "dishonest path" and another letter suggested that the write-in was just one step from "an armed takeover" and suggested that those behind Don Aikman's candidacy "permanently take a powder." On that note, Chatham's political season ended.

As I pen this, summer is upon us and the livin' is easy. However, this winter's activities prove that ignoring the political realities of Chatham can have disconcerting results. Basic rules remain: 1. Events move in often unexpected directions, and, 2. Nothing is ever over 'til it's over.



Old Village's Lower Main Street is Officially 100% Residential

Lower Main Street in the Old Village, which in the 19th and well into the 20th century, was dotted with tea parlors, restaurants, gas stations, and retail stores selling everything from kites to meat, is now officially 100% residential. With the death of Beatrice Zaremba, the last shop, the much loved Calico Cat, has been sold and will be used as a residence. Throughout the Old Village itself, inns and bed and breakfasts are also disappearing. The Port Fortune Inn, the Dolphin and the Moorings are in the process of being sold for residences. Of the five inns that underwrote the Old Village Walking Tour back in 1999, only two – the Surfside Inn and the Cranberry Inn – remain. Make your reservations for visiting relatives soon!

Two Neighbors

The last two active Lower Main Street businesses were, ironically, next to one another, separated only by Hallett Lane. The Calico Cat building, John Hallett's Store (1840), is one of the most elaborate in Chatham, especially when it is contrasted with the tiny 1/2 Cape house to which it was attached. With a temple-front Greek Revival porch, supported by Doric columns, this Italianate house has always made quite a statement! John Hallett was a dry goods merchant, but like many Main Street properties, the uses for the building changed often over the years – from an ice cream parlor to a Chinese antique store called the Silver Bamboo. Its last business, the Calico Cat, became the oldest consecutively running retail shop in Chatham.

Next door, at 201 Main Street, Bearer's Gas Station (1913-1924), a Colonial Revival building, also had multiple reincarnations; first as a gas station, then as a tearoom (called Little Tavern), an ice cream parlor-candy store, and a restaurant. Restored by the Kahl family several years ago, it has been a part of a bed and breakfast complex named Port Fortune Inn. It is now being sold as a residence.

OLD NEIGHBORS

The Old Village Association, Inc.

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Chatham, MA 02633

Address Service Requested

KEEP IN MIND

Annual Meeting

Sunday, August 27th at 7:00 pm

“Iced Tea and Cool Conversation”

Thursday, July 27 at 4:00 pm

OVA SPRING NEWSLETTER SPECIAL FEATURES

- Zoning Rewrite as it Affects the Old Village
- “Mega-mansions” - What Will They Call Them and How Can They be Stopped?
- Property Rights Palaces: Where Did Community Rights Go?
- Recap of 2006: While Chatham Slept
- And much more . . . read on!