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# Cape Cod

## COMPASS

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"Threat to the community" or "Adaptation to the changing times?" That's the question posed by this four-floor, multi-balconied motel newly built on Provincetown's Commercial Street. (Ocean view of it, far right.) As the "Compass" went to press, it was under court order (being appealed) forbidding it to operate. Various summer people opposed to the structure refer to it as a "green monster." Those who favor the project consider it "colonial."



# Provincetown's "COLONIAL" "GREEN MONSTER"

by SAMUEL CARTER III

EVERYONE VISITING PROVINCETOWN, ON THE TIP OF CAPE Cod, will be aware that something is stirring there—something far less proverbial than the fishing boats, the artists, dune beach wagons, and frequenters of the Atlantic House bar. And the hub around which this something stirs is a four-story motel—spanking new, emerald green, and (next to the Pilgrim Tower) the tallest object on the skyline.

Massive and solidly entrenched, the Surfside Arms and Motor Inn would seem to be a fortress stacked against invaders. But such is the nature of the battle, it is just the other way around. The attackers are the permanent or summer residents who—whether you agree with them or not—look upon the building as a threat to their community and way of life.

It is the type of controversy that is going on throughout New England and America at large. However one tries to simplify it, it is far from black and white—not simply a villainous intrusion on a gracious heritage. It is really a question of how an American community can best adjust to commercial-mindedness and still retain its native character.

Provincetown is a small community—not much over 3000 souls, a figure which more than doubles when the summer visitors arrive. As the first landfall of the Pilgrims, it is rich in history. Its houses have the old established look of a typical New



industries: Tourists, confined to the summer months; and fishing, a year-round occupation. Permanent residents are those connected with, or servicing, the fishing trawlers; some well-to-do retired couples; and several writers and painters of considerable stature.

Like all towns which, by their natural beauty or location, have become resort communities, Provincetown is not too happy with the tourist influx—while admitting some dependence on it. In earlier days, when stolid Boston families regarded this village on the Cape as a summer home, their presence was respectfully accepted. They had no right to vote, or participate legally in town affairs, since their permanent abodes were elsewhere. Which to some extent is Provincetown's dilemma—and the source of today's confused contention. For the franchised custodians of the town have been content, till now, to let events pursue their natural course.

To define the present battle lines, the Surfside Arms is a lengthy motel of 40 units on Commercial Street, in the exclusive east end section of the town. It faces the Bay and stands four stories high, with connecting balconies and stairways on the street side. It offers a swimming pool and parking lot extending clear to Bradford Street, with a building yet to come for offices, a restaurant, and cocktail lounge. And it boasts the only elevator on this sandy hook, which may add tinder to the

fire. Any building where guests can't move from floor to floor on foot affronts the simple nature of this Commonwealth community.

If you saw this building in almost any other shore resort, it would not seem out of place. The owner refers to it as a "Colonial type structure." Be that as it may, it stands in the center of a residential area of old and gracious homes, some of them occupied by wealthy summer residents who refer to the Surfside Arms as a "green monster" threatening to bring a host of new motels into the neighborhood—changing the face of Provincetown from Colonial picturesqueness to commercial chaos. The issue has split the town into bitter, rival factions; it has been the subject of a program on the National Educational Television Network; and it has caused neighboring towns on Cape Cod to review their zoning laws and building codes to make sure "it can't happen here."

The story of the Surfside Arms is that of its owner, Robert Roman, paraphrased from his account. As a biology teacher in Detroit, he'd been spending his summers on the Cape since 1931, and had fallen in love not only with the place but with the Provincetown girl he later married. In 1945 he had saved enough money to buy a tract of land in neighboring North Truro, where he erected the Buccaneer Motel. The business prospered to such an extent that by (Continued on page 66)



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## PROVINCETOWN'S "COLONIAL" "GREEN MONSTER"

(Continued from page 33)

1962, with \$140,000 in the bank, Roman was able to buy, in Provincetown, a summer residential enclave known as Seascap House—site of the present Surfside Arms.

While operating Seascap House in its resort capacity, Mr. Roman received a permit in March of 1963 to build his motel. And from this point on the issue is beclouded by a welter of conflicting dates, hastily instituted building rules and zoning laws, and arguments of definition—all crying for the need for clarity and fair appraisal.

Mr. Roman's first problem was to move the existing buildings from his purchased site, and relocate them elsewhere. For this he bought a tract of land a mile or so east. But by the time he had the foundations prepared, it was well into spring. He was advised by his own good judgment and the Provincetown Town Manager to postpone any moving while the narrow streets were packed with summer visitors. He was also advised that his permit, supposedly good for six months, would be extended for a year (later it was established that Massachusetts law supplanted the Town law, and the permit was good for only six months).

Mr. Roman held off until after Labor Day, meanwhile preparing the buildings for transit, lopping off a porch here and a wing there. Up to now, if there were murmurs in opposition to his plans—and he had made no secret of them—they were only murmurs. But in October of 1963, Mr. Roman released for publication a drawing and specifications of his motel. It showed breezeways offering an unobstructed view of the Bay; and reported the proposed building in the rear, two stories high, containing offices, restaurant, cocktail lounge, and ample parking space for guests.

If a picture is worth a thousand words, this was worth volumes. It drew an avalanche of mail from residents who so far had been slow to spark to the mere name of an inn or motor hotel. Says LeRoy Atkins, Editor of the Provincetown weekly, the *New Beacon*, "They sent so many letters, pro and con, I wasn't able to publish them even in digested form."

A group of six property owners in the neighborhood, including Broadway playwright Abram Burrows, petitioned for an injunction to halt construction. Their objection at that time was on a technicality. A building law that someone dug up from the archives required that any structure of that size and that capacity required more land than Mr. Roman's site provided. The petition served to have Mr. Roman's permit cancelled, pending a revision of the zoning laws; but he was advised by his attorney that he was within his rights to proceed with construction, provided the proposed new rulings were observed. These included a master design with an engineer's approval, and a sanitation plan to be presented to the Massachusetts Health Department. In both these requirements Mr. Roman complied.

By this time it was April of 1964, and the six petitioners again sought an injunction to halt construction before the third floor of the Surfside Arms had been completed. It was a question now of Mr. Roman's right to proceed when his permit had expired. Superior Court Judge Wilfred Paquet refused to issue the injunction. But he warned Mr. Roman that he would be acting at his own risk if he continued to have work done on the building before the court made a ruling on the case. Taking his chances, Mr. Roman went ahead with the construction.

The case came to trial before Superior Court Judge John W. Coddaira in June of 1964, by which time Mr. Roman had spent some \$200,000 on construction of the Surfside Arms. Verdict was withheld until Judge Coddaira had a chance to inspect the property personally, and arrive at a decision. This he did on December 20—ruling in a 13-page decree that the Surfside Arms did indeed violate the town's zoning by-laws, and ordering remodelling and reconstruction to bring the building into "harmony and compliance" with the Town Code.

This was a tall order. It meant removing the top floor altogether, since the code allowed for only three-story structures and a 35-foot height. More important, it meant moving the entire building roughly 12 feet back, which would almost dump it into the sea. Meanwhile, of course, Mr. Roman was forbidden the right to operate the hotel in its present uncertain state—a mere technicality during non-winter-tourist months, but a serious consideration for the future.

Mr. Roman's lawyer, Greshon D. Hall of Harwich, has appealed to the Supreme Judicial Court of Massachusetts; and so the matter stands. It would be futile to speculate on the outcome of this appeal—but its legal aspects have lawyers all over the state referring to their books for precedents and definitions. For the basic issue is not one of conforming to clear-cut zoning laws, on which Provincetown has been delinquent. It is this: *Did Mr. Roman start construction while his permit was still in effect, thereby exercising his right of construction on the basis of zoning laws then existing?*

The key word here is "construction." Does removing houses from the proposed site of a building constitute construction? Or is it merely preparation for construction? And if so, where is the law that makes a clear-cut definition of the difference? Does digging down for a foundation define construction, or is it only when a building starts to rise above the ground?

The above is simply the legal aspect of this dispute—confused and indicating early indifference on both sides. The real germ of the controversy is the destiny of a community. And again it is not clearly black or white. Where a village has acquired, through its history and architecture, a certain character, how long should it fight to retain that character? That the Surfside Arms may not have abided by the building codes is not the point. The point is, briefly, does it fit?

Said Mr. Roman in his television interview: "They maintain that they want to keep Provincetown as it was 100 years ago, or 150 years ago, or at the time that Thoreau used to wander over the sand dunes. To me, it's a rather ridiculous viewpoint, for the simple reason that of course, at the time of Thoreau, we had probably a few thousand people on Cape Cod. Today there are many times greater numbers than there were then. And consequently, our conditions and our situation and our economics are completely different from what they were at that time."

And on the other side of the fence, Mr. Raymond Rice, a retired engineer whose windows overlook the Surfside Arms, says: "If Mr. Roman can do it, anyone can do it"—adding with honest charity that he has no objection to an hotel as such (although he was one of the six petitioners) but is simply against what may become a rash of commercial activity in the area and in Provincetown at large.

The degree to which the town has been divided in opinion may be indicated by just one example. A master plan, long overdue, is coming up for Provincetown, to be submitted to the Town Council in 1966. In this connection, two petitions have been submitted, one requesting the limitation of future motels to a strip of land 500 feet deep on the south side of Route 6; the other asking for no such restriction. The number of signers on both petitions was identical—50 for each. And 50-50 is about where the present controversy stands. ■ ■ ■



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