

**Town of Barnstable**  
**Old King's Highway Historic District**  
**MINUTES**  
**Wednesday, January 27, 2010**

To all persons deemed interested or affected by the Town of Barnstable's Old King's Highway Historic District Act under Section 9 of Chapter 470, Acts of 1973 as amended. You are hereby notified that a hearing was held on the following application:

**Committee Members Present: Pat Anderson, Carrie Bearse, George Jessop, Elizabeth Nilsson**  
**Staff Present: Jackie Etsten, Principal Planner**

**Motion duly made by Elizabeth Nilsson, seconded by Carrie Bearse, that Pat Anderson be appointed Temporary Chair for this Evening.**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

A quorum being met, Temporary Chair Anderson called the hearing to order at 7:00pm. The Chair explained the hearing and appeal process and invited the public to address the Committee and view the plans of interest.

**Continued Applications**

**Commonwealth of Mass-DCAM at Cape Cod Community College, 2240 Iyannough Rd, Barnstable & West Barnstable, Map 236, Parcel 005-BOO and Map 236, Parcel 005-WOO**  
Erect 164' Turbine Tower, 242' to Top of Rotor, Access Road, Crane Pad & Foundation Work  
(Continued from December 09, 2009)

Represented by Attorney Bruce Gilmore, Kathleen Schatzberg, President Cape Cod Community College, Dixie Norris, College Vice President Administration & Finance and Ralph Cahoon, Trustee for the College

Attorney Gilmore began by noting that he will try not to repeat a lot of the detail of the previous meeting, albeit the mention of the Guidelines within the Old Kings Highway Act that they may consider alternate wind power. He confirmed that the members received the packet of photos that was sent to Town Offices and the members concurred they had received the photos.

Attorney Gilmore also wished to make note of a recent article in the Cape Cod Times published January 26, 2010 and specifically the comments from Admiral Richard Gurnon, president of Massachusetts Maritime Academy when asked if alternative-energy technology has lived up to its promise stated it had and that in the three years since operation, has also demonstrated that many of the objections have been overcome.

College President Kathleen Schatzberg addressed the Committee and wished to emphasize a few points. She has seen letters to the Editors regarding the turbine not being in character and she pointed out that Cape Codders are resilient and turbines were on the Cape many years ago. Also, a remark at the last meeting that the balloon was too small, she wishes to point out that the balloon was raised to the tip of the turbine, which is very small. Ms. Schatzberg commented

on the community benefit and by reducing energy costs it actually is a savings to the residents as the Commonwealth pays a portion of their energy bill. These are savings to the Commonwealth, therefore, savings to the residents. In addition, monies will go back to the Cape Cod Collaborative and help reduce costs to the low income housing areas. Finally, she wishes to emphasize the teaching tools that will benefit the students. She urges the Committee to approve this project.

Ralph Cahoon, Trustee for the College spoke next. He stated that far too many people who come to Cape Cod believe that Cape Cod should not change. When you look at old photographs you can see many windmills, especially in the salt marsh areas. Looking at this as a benefit to the district, this is a huge benefit to the community, the students, revenue stream and a vital component to help move into the future and urges the Committee to endorse this project.

#### Chair Anderson Opened the Public Comment

William Griswold of Centerville spoke in favor of the project commenting on the quality of air on Cape Cod and the need to increase use of renewable energy. He also questions if the cell tower visible from the YMCA needed to come before this Committee. A copy of his letter is entered into the file.

Edward Wirtanen of West Barnstable spoke in favor of the project. He stated that all his concerns have been addressed and that he will be impacted as he is a direct abutter. No Letter was submitted for the file

Richard Elrick, Energy Coordinator for the Town of Barnstable detailed the particulars and pointed out that the Old King's Highway Historic District Act specifically mentions energy in Section 10 and in the Guidelines that outline minimal visible impact. One of the challenges is finding the right location. He is in favor of the project. A copy of his letter is entered into the file

Ruth Bechtold, West Barnstable resident and concerned citizen spoke in favor of the project. She has been a resident of Route 6A for 20 years and noted that this project will help the Housing Assistance Corp in distributing energy programs to low income housing. A copy of her letter is entered into the file

Mark Boaniuto of West Barnstable spoke at length against the project due to its inappropriateness. Noted that although he attempted many times to view the balloon test, he was unable to. Mr. Boaniuto submitted many articles and reports he had researched regarding health issues and wind turbines. A copy of his letter and articles/reports is entered into the file.

James Liedell of Yarmouth Port spoke in favor of the project citing benefits to students, residents and the College. Noted windmills provided a major role in Cape Cod's development. A copy of his letter is entered into the file

Paul Singley spoke in favor of the project and suggested that perhaps the gentleman who said he could not see the balloon was not able to because it was covered by the trees. No letter was submitted for the file

Gabrielle Black of West Barnstable spoke in opposition of the project. She commented that she is not too convinced on how clean the energy is and compared commercial turbines to those for

residential areas and cautioned the Committee on setting precedence. A copy of her letter is entered into the file

William Mullen of West Barnstable spoke in opposition of the location, not windmills. Wishes to be on record as being against the location. No letter was submitted for the file

LeeAnn Bengal of West Barnstable commented that she sees both sides and understands that this is located in a historical district. Historical districts do allow turbines with a size restriction and perhaps a compromise could be worked out.

Chair Anderson asked if there was anyone else present who wished to speak. Hearing none, the Chair closed the Public Comment

Attorney Gilmore was offered an opportunity for rebuttal and he stated that almost to the person, they agree it is a worthy project, but it comes down to NIMBY. They can't move the College and the turbine can not be relocated. Appreciates that this is a controversial issue, however the project has been on the drafting table for almost five years and is well thought out and re-engineered. Attorney Gilmore suggests that the Old King's Highway in its objective of keeping the district free of objectionable construction, come back to the Act where in 1976 the issue of clean energy is addressed.

Chair Anderson asked for Member questions and/or comments.

George Jessop asked if they could review the original site and scope of the project. John Leveca, Assistant Vice President of Cape Cod Community College stated that he has been involved in the project since inception. Originally the project did call for a much larger turbine and he explained that the FAA determined that the original site is within the emergency flight pattern and the FAA identified the one location, for only one turbine, and that is the location to this date. Mr. Leveca noted that the plans for this turbine are aided by the Town of Barnstable's Wind Turbine Regulations. George Jessop stated that he went to Massachusetts Maritime and he did hear sound but understands that any winds over 40 mph, it will shut down. George Jessop also stated that there is no information on the thoughts of the local residents on the impact and he believes this should be a consideration.

Jackie Etsten, Principal Planner for the Town of Barnstable commented that the photo simulations distributed were requested by the Mass Historical Commission and were to be taken from historical properties and asked if the MEPA requirements had been completed. Attorney Gilmore responded that they have not gone back to Mass Historical Commission because Mass Historical has closed the file and they have received the MEPA approval.

Elizabeth Nilsson wished confirmation that it was the FAA who required them to move the location and it was confirmed. The original intent was to have it closer to the highway, but this was not possible. Ms. Nilsson understands why so many want this turbine, but her job on this Committee is to consider the appropriateness of any project and she feels that this is not appropriate.

Carrie Bearse commented next and stated that she did not see the balloon test at full height, only swayed by the wind; she did review photo simulation packet; did see the photo in the Patriot of the Balloon, and she did visit Massachusetts Maritime. Ms. Bearse stated she does not believe the turbine would be a detriment to the District as it is in a shielded area. Would not

be in favor of any other turbine in the area. She wished the College had considered solar panels instead. Ms. Bearse has concerns on noise and added that a turbine on Nantucket was approved with it being painted to blend in with the surroundings. She stated appropriate changes take place all the time and feels that this Application is appropriate.

Pat Anderson stated that she is opposed to the project only because of its location. She is a fan of alternate energy, but not in a historic district. She noted that she is familiar with a court case in 1980 when someone proposed a wind turbine and the Judge agreed with the findings that it would be inappropriate. This turbine proposed in 1980 was only 88 feet high.

George Jessop wished to add that as an Architect he has been involved in many projects that are a benefit to the Community, whether they are historic or not. He took the time today to visit the turbine at Mass Maritime and feels that the one piece of material lacking is from the people most directly impacted in the neighboring areas and this should be addressed. Because of the exact location of this structure, it is more readily seen by neighbors and questions how the simulated photos were taken. Given the lack of information from people who have had to live with the turbine at Mass Maritime and given that this project is within a historic district, he would be reluctant to approve.

**Motion duly made by George Jessop, seconded by Carrie Bearse to Approve the Certificate of Appropriateness for Commonwealth of Mass-DCAM at Cape Cod Community College at 2240 Iyannough Road, Barnstable as Submitted.**

**AYE: Bearse**

**NAY: Nilsson, Jessop, Anderson**

**Motion failed to pass by a Vote of 1-3**

### **New Applications**

**Barnstable Marine & Environmental Affairs, 259 Mill Way & 110 Freezer Road, Barnstable Map 301, Parcel 009 and Map 300, Parcel 022**

Install Video Cameras at Barnstable Harbor

Represented by Joe Gibb, Town of Barnstable, MEA

Mr. Gibb informed the Members that they have applied for a grant to install cameras at Barnstable Harbor and is proposing multiple locations so that they will have the flexibility to see what locations will offer the best views. Pictures of the camera were reviewed as well as the mounting equipment. These cameras are similar to those at the Mass Maritime Museum on South Street in Hyannis. The purpose of the cameras will be to monitor the harbor against vandalism and activity. There will be two cameras, possibly three depending on the costs when it goes out to bid and they are hoping for another antennae that will tie into the Sheriff's Department. Pat Anderson asked if any of the residences will be impacted. Joe Gibb relayed that there is limited access and only authorized personnel are permitted to view. Ms. Anderson asked if cameras could be directed at the Harbor and not towards the neighboring areas. Camera locations were determined for the pumping station or the Marina restroom, the pole closest to the bridge and focused on the harbor and not the houses, and the Mill Way Beach Restroom or the telephone pole closest to the Mill Way Restroom.

**Motion duly made by Elizabeth Nilsson, seconded by Carrie Bearse to Approve the Certificate of Appropriateness for the Barnstable Marine & Environmental Affairs at 259 Mill Way and 110 Freezer Road, Barnstable for installation of video cameras at Barnstable**

**Harbor at three designated areas, 1 at the telephone pole (or Mill Way Beach Restroom) at Mill Way, 1 at the first telephone pole closest to the bridge and 1 at either the pumping station or the Marina Restroom.**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

**Earle, Robert, 38 Colonial Way, Barnstable, Map 237, Parcel 050**

Install Photovoltaic Modules on South Facing Roof

**Due to no representative present, a motion was duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Continue the Certificate of Appropriateness for Robert Earle at 38 Colonial Way, Barnstable to February 10, 2010 pending receipt of Extension of Time Limit Form.**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

**NOTE: Receipt of Extension of Time Limit to February 26, 2010 received January 29, 2010.**

### **Informal Discussion**

Update on Fee Schedule

Current fee schedules were distributed. Carrie Bearse asked if the fees ever cover the cost of services. Jackie Etsten noted that rarely do they cover the actual cost of service and these proposed fees would cover the basic costs. Pat Anderson noted that any increase in fees must go before the Regional Commission. The Members will review the proposed increases and this topic will be duly noted and advertised as Adoption of Fees for the next meeting, February 20, 2010.

**Having no further business before this Committee, a Motion was duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Adjourn the Meeting at 9:35pm.**

**So Voted Unanimously**

Respectfully submitted,

Marylou Fair, Recording Secretary