

**Town of Barnstable**  
**Old King's Highway Historic District**  
**MINUTES**  
**Wednesday June 23, 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: Carrie Bearse, George Jessop, Elizabeth Nilsson**

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

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

A quorum being met, Temporary Chair Jessop 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**

**Town of Barnstable- Signage**

Beach Identification Sign @ Mill Way Beach, 330 Mill Way, Map 301, Parcel 010

Beach Identification Sign @ Sandy Neck Beach, 425 Sandy Neck Road, Map 263, Parcel 001

Town Ways to Water Signage at Following Locations:

Bone Hill Road – Location at End of Road

Indian Trail – Location at End of Road

171 Harris Meadow Lane, Map 280, Parcel 051

210 Scudder's Lane, Map 259, Parcel 009

248 Navigation Road, Map 180, Parcel 009

0 Great Marshes (Packet Landing Road), Map 180, Parcel 011

(Continued from May 12, 26, & June 9, 2010)

Represented by Alisha Stanley, Town of Barnstable & Chic Pollock, Cape & Island Signs

Also present First Town Attorney David Houghton

Chair Jessop noted that this application was continued due to one of the questions being that the locations were actual Town Ways to Water. Chair Jessop further stated that this Board does not have the authority to determine that, but that Dave Houghton from the Town Attorney's Office is here address that issue.

Jean Carbonelle spoke from the Public stating that she lives at the end of Packet Landing Road and wanted to know where exactly is the Town Way to Water and would they make an access trail. Dave Houghton spoke and stated that he could personally attest to the thickness of the access, however, there are acres of Town property that he went to inspect and went to the end to look for access as well as researched file material and the Town does have frontage on Packet Landing Road. Ms.

Carbonelle then asked if the sign would go on Route 6A or at the end of Packet Landing and if you would cut a trail to make an actual way to water. Alisha Stanley replied that the sign, as well as all signs, are being attempted to be placed where the trail is and not along 6A and that they would have to request that a trail be made through Conservation Commission.

The Commission then discussed the color of the signs. For the two Beach Identification signs for Mill way Beach and Sandy Neck Beach the color is classic Navy. For the Ways to Water signs it is a light Safire blue. Elizabeth Nilsson commented that since this Board was started she can not recall any Town signage other than white with black lettering and she noted that she could not vote for any sign with color other than white with black lettering. Carrie Bearse noted that she does not have concerns with the color and feels it is appropriate. George Jessop noted that he agrees with Ms. Bearse and believes having all the town signs the same color is appropriate.

Chair Jessop then opened the discussion up for Public Comment

Eliza Cox of Nutter, McClennen & Fish requested to speak on behalf of her clients, Robert & Elizabeth Nahill with regard to the location of the Ways to Water sign for Harris Meadow Lane. She has spoken to Attorney Houghton and understands that the issue of private vs. public is not before this Board, but also believes that one of the criteria is that you must receive approval of ownership on the application and this application has no standing. She would argue that this is not a valid application.

Chair Jessop asked Attorney Houghton if there is a Committee that has jurisdiction to decide this issue and Attorney Houghton believes it properly belongs in the Courts. Land Court and/or perhaps Superior Court but added that this Board has no ability to make this determination, however, they could allow Ms. Cox to address her clients concerns and then he could respond.

Attorney Cox distributed information to the Board Members and spoke in detail regarding title information regarding the proposed sign location at Harris Meadow Lane. She reviewed land documents and gave the history of land owners. The lot was divided and the Town was deeded Lot 10B and there was no right given to the Town to Parcel A or to place any signs on Parcel A. Attorney Cox contends that the Application submitted requires owner to sign and her clients did not sign this application to place a sign on Parcel A and objects to the signage being put on their land. This is in respect to Harris Meadow Lane address only and asks that the members deny that particular aspect of this application.

Carrie Bearse inquired if she is asking the Town not to place it on their own land as there is not an access and Ms. Cox noted that she would not be telling the Town where to place the sign, but they would have to cross over a portion of her client's land to access the water.

Attorney Houghton stated that he would argue that the Town does in fact have standing to make this application and again suggests that this is a matter for the Courts and not appropriate for discussion tonight.

Alisha Stanley asked the Board if the question before them was that the sign was to be placed on Town property and followed up this question with the statement that the application asked for a sign to be located at 171 Harris Meadow Lane, which is Town property.

Eliza Cox pointed out that the map that was included with the application shows the location as a star and that the star location indicates the end of Harris Meadow Lane.

Alisha Stanley added that the application also included a list of numbered addresses, along with map and parcel numbers indicated the exact location of each requested sign. The star on the submitted map is not to scale as it is difficult to pinpoint exact locations with a drawing of this scale.

Attorney Houghton concurred that the sign would be placed on Town property.

Robert Nahill spoke next and identified himself as the owner of the property at the end of Harris Meadow Lane and he wished to explain the practical problems with this application. He has lived here for 26 years and shortly after they arrived, someone had an idea to put in a Town Way to Water sign and what they experienced was truckers parking in the road, public drinking, and overall abuse of the property. The neighborhood residents, who do have a right to access, were blocked from the access. The access is only one car length wide and there is no place to turn around.

The Chair announced the close of Public Comment

**Motion duly made by Carrie Bearse, seconded by George Jessop to Approve the Certificate of Appropriateness for the Town of Barnstable for Ways to Water signage as presented in design and for the exact locations indicated in the attached listing of addresses including 171 Harris Meadow Lane be located on the Town property and not on the right of way and for Beach Identification signs at Mill Way Beach and Sandy Neck Beach.**

**VOTE:**

**AYE: Bearse, Jessop**

**NAY: Nilsson**

**Motion Carries 2-1**

***PLEASE NOTE: The following two Applications for Ehret have been Continued to July 14, 2010***

**Ehret, Gregory & Barbara, 21 Scudders Lane, Barnstable, Map 258, Parcel 011**

Demolish Single Family Home, Basement & Concrete Patio

(Continued from June 09, 2010)

**Ehret, Gregory & Barbara, 21 Scudders Lane, Barnstable, Map 258, Parcel 011**

Construct New Single Family Home, Garage/Barn

(Continued from June 09, 2010)

### **New Applications**

**Ostrowski, Michael & Donna, 71 Lothrop's Lane, W. Barnstable, Map 109, Parcel 005-004**

Install Swimming Pool, Fence and 14'x14' Gazebo

Represented by Michael Ostrowski

Mr. Ostrowski explained the project to the Board and Elizabeth Nilsson wanted clarification on where the gazebo will go and applicant showed her the location indicated on the site plan submitted. The

fencing will be vinyl chain link and a portion by the driveway will be aluminum with black finish with two gates. The material for the trim on the gazebo is noted as pvc and George Jessop explained to the applicant that they have adopted a policy of not allowing pvc and applicant offered the alternate of using a bodyguard trim which is a pressure treated wood and comes pre-primed white and will be painted white. The decking material was reviewed and approved.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Michael and Donna Ostrowski at 71 Lothrop's Lane, W. Barnstable for a Swimming Pool, fence and 14' x 14' Gazebo with trim amended to pressure treated wood painted white.**

**VOTE:**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

**Hempel, Douglas & Deborah, 170 Capes Trail, W. Barnstable, Map 088, Parcel 007-004**

Install 2 Skylights and a Solar Photovoltaic System to Roof

Represented by Douglas Hempel and Conrad Geyser, Cotuit Solar

Mr. Hempel explained that he would like to put in two skylights to let light into the upstairs bedrooms and would also like to install photovoltaic panels as well. Elizabeth Nilsson asked if these would both be installed on the front of the house and Mr. Hempel confirmed that they would be on the front.

Carrie Bearse and Elizabeth Nilsson commented that this Board has not approved skylights or solar panels on the front of homes, however, they have approved them for the back of the home or if they were obscured by a tree or perhaps another structure. Mr. Hempel contends that this house is not historic and in fact, he is as close to Route 6 as one could possibly be.

Carrie Bearse noted that she believes that this house would be appropriate if they were to add dormers to let the light in and Mr. Geyser added that large dormers would be able to allow for solar panels, however, small ones would present a problem.

Carrie Bearse also commented that, to her knowledge, an applicant has not appeared before them where the only place for the solar panels would be the front of a home. If this is the case, and if they did away with the skylights, she may be inclined to vote in favor of this proposal. Conrad Geyser of Cotuit Solar explained that they have looked at this house from many different angles and he wishes he could offer another solution, however, there is not one.

Carrie Bearse asked the applicant if he would agree to continue this application to the next meeting of July 14, 2010 to allow for him to review other options and to give the members a chance to view the home if they have not had the opportunity and the applicant agrees.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Continue the Certificate of Appropriateness for Douglas & Deborah Hempel of 170 Capes Trail, W. Barnstable to July 14, 2010.**

**VOTE:**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

**Rice, Robert & Dana, 20 Ice House Lane, Barnstable, Map 258, Parcel 038-002**

16'x18' Addition, Extension of Existing Deck w/Wooden Walkway, Slider Door, Relocation of 2 Windows & Extend Existing Retaining Wall

Represented by Robert & Dana Rice and Gordon Clark of Northside Design

Gordon Clark detailed the project and presented photographs of the existing home. There will be an extension to an existing deck which will wrap around to the new addition they are proposing. There is an existing little deck and the addition will come out and allow the owners to access the new deck/walkway. The material of the decking will be mahogany. The addition will have simple gable end with a transom window. The windows will match existing with exterior applied grills and the trim will match existing which is wood.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Robert & Dana Rice at 20 Ice House Lane, Barnstable for work submitted on application, windows on new addition to have exterior applied grills and trim to be painted wood to match existing.**

**VOTE:**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

**Klug, Stephen, 42 Bayview Rd, Barnstable, Map 319, Parcel 036**

Replace Window

Represented by Stephen Klug

The Board reviewed the photographs provided and the brochure of the Andersen casement window provided. The applicant intends to replace a single window with a slightly larger casement window at the rear of the home.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Stephen Klug at 42 Bayview Road, Barnstable as Submitted to replace window at rear of house.**

**VOTE:**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

**Informal Review**

**Henderson, Michael & Patricia, 4428 Main Street, Cummaquid, Map 351, Parcel 043**

Represented by Andrejs Strikis, Architect

Requests review of Design and Materials of Proposed Minor Addition to home built 1660

Mr. Strikis was present and explained that he requested an Informal Review before this Committee to discuss their comments and concerns. The owners wish to make the kitchen larger and more usable. According to the Application for the OKH the roof pitch must be 7/12 and in order to do this he would have to take out very old windows which the homeowners do not want. George Jessop noted that in this case, they would not be concerned with the pitch. Detailing would include a flat roof with a copper seam, wooden shingles and colonial balustrade as well as the continuation of a wooden gutter. Window patterns were discussed and 6/6 would be acceptable as this is what is on an existing addition. ON the back of the house there is a rotted window and the owners wish to have it

remade to replicate what was there and intends to add another on the other side for more light. The old door will be replaced with another that is currently on the house and be re-framed. The Committee thanked Mr. Strikis for reviewing this project with them.

### **Minor Modifications**

#### **Lewis, Elizabeth, 2085 Main Street, Barnstable, Map 216, Parcel 074**

Modification of Window Sizes and/or Location

Temporary Chair Jessop outlined the changes in the submitted plans. Modification is to change or add new window types as detailed in the window schedule.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Modification to add windows and change type according to window schedule submitted for Elizabeth Lewis at 2085 Main Street, Barnstable.**

**VOTE**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

**Having no further business before this Committee, a motion was duly made by Elizabeth Nilsson, seconded by Carrie Bearse to Adjourn at 8:55pm.**

Respectfully submitted,  
Marylou Fair, Recording Secretary