

**Town of Barnstable**  
**Old King's Highway Historic District**  
**MINUTES**  
**Wednesday September 22, 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: Patricia Anderson, Carrie Bearse, Elizabeth Nilsson and George Jessop**

**Motion duly made Pat Anderson, 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 Business**

**Barnstable Historical Society, 3087 Main Street, Barnstable, Map 279, Parcel 039**

Relocate Existing Sign to New Location

Represented by Robert Stewart

Mr. Stewart explained that the Historical Society has moved across the street from its previous location and wish to utilize their existing sign until a new one can be made. The section of the sign that has the words "Daniel Davis House" will now have individual stick-on letters and numbers placed over it to read "Circa 1834". George Jessop asked if they have to have the stick on letters or can it be painted. Mr. Stewart responded that they would like to have this sign approved as a temporary one until they can get a permanent sign. Pat Anderson asked if the permanent sign will have stick-on letters as well and Mr. Stewart indicated that it would not. Pat Anderson asked if the applicant would be agreeable to an approval contingent that a new sign be erected within a year and Mr. Stewart noted that he would be willing to agree to this.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for 3087 Main Street, Barnstable as Submitted with Stipulation that a new sign be erected within a year's time.**

**So Voted Unanimously**

**New Applications**

**Conway, John & Carol, 4190 Main Street, Cummaquid, Map 351, Parcel 002-002**

Replace Front Door and Paint New Color

Represented by John & Carol Conway

They would like to remove a six panel door and replace it with a new six panel door painted cottage red. There will be grills in the side lights which will compliment the brick. A sample of the door was reviewed.

**Motion duly made by Carrie Bearse, seconded by Pat Anderson to Approve the Certificate of Appropriateness for 4190 Main Street, Cummaquid for replacement door, side light and change of color as Submitted.**

**So Voted Unanimously**

**Larivee, Lionel dba Beacon Sales, 96 Lombard Ave, W. Barnstable, Map155, Parcel 014**

New Sign

Represented by Lionel Larivee

Mr. Larivee reviewed the submission of his sign which will be 16 ½ x 24. Delivery trucks that bring supplies can not find the location and drive up and down Lombard in search of his business and they are trying to reduce the traffic along this road. George Jessop asked if there was an existing post for the sign and Mr. Larivee indicated that yes, there was.

**Motion duly made by Carrie Bearse, seconded by Pat Anderson to Approve the Certificate of Appropriateness for 96 Lombard Ave, W. Barnstable as Submitted.  
So Voted Unanimously**

**Bridges, Frank & Denise, 50 Church Street, W. Barnstable, Map 154, Parcel 007-002**

Construct 2 Story Garage w/Single Family Living Above  
Represented by Allan Osgood

Mr. Osgood noted that this design, within a couple fee, was approved several years ago. The Certificate of Appropriateness has expired and that is why they are re-applying. The design has increased a couple of feet. George Jessop asked which elevation faces the street and Mr. Osgood replied that it would be the left side view. George Jessop then asked what is the setback and Mr. Osgood replied 15.4 from the bottom of the stair on the deck. Carrie Bearse clarified that they are only reviewing the garage at this point as there are other buildings indicated on the site plan. Carrie Bearse asked what material the driveway is going to be. Mr. Osgood informed her that it would be stone & gravel. Pat Anderson inquired if this submission is in the same location as what was previously approved and asked for clarification on the dimensions. Mr. Osgood noted that it is in the same location and that the proposed structure will be 40'x28', 27.4' high and 1 ½ stories.

Sheila Silvia, an abutter at Lot #1 on Church Street asked if this is a two or three story and wished to know if it would be taller than the trees. George Jessop replied that it would not be taller than the trees and Pat Anderson noted that you may be able to view it when there are no leaves on the trees. Mr. Osgood added that there are quite a few trees that have been left as a buffer.

Elizabeth Nilsson asked why the structure is orientated the way it is. Mr. Osgood indicated that it was because of the access to the door as it is on the right gable end. Ms. Nilsson commented that she would like to see the right side elevation face the street rather than the left. George Jessop asked why they couldn't simply switch ends as it appears to be a mirror image. Mr. Osgood stated that he doesn't see why it can not be, but even with the leaves off the trees, it would not be able to be seen. Mr. Osgood then asked what it would require for the application process and to be given an approval this evening. George Jessop suggested that he review the floor plans to make sure there would be no problem with this and Mr. Osgood reviewed and confirmed that he could switch the ends. George Jessop then stated that they could base their approval as noted and with the condition that new plans be filed with the Offices at 200 Main Street. Mr. Osgood accepts the conditions of the submission of new plans. Carrie Bearse confirmed that they are asked applicant to flip the garage portion around only and that this would require a slight change in the driveway. Carrie Bearse confirmed the Committee's desire to have the portion of the building that looks like a dwelling be sited so that the front door faces Church Street.

**Motion duly made by Carrie Bearse, seconded by Pat Anderson to Approve the Certificate of Appropriateness for 50 Church Street, W. Barnstable with Modification of the right side view of garage which looks like the front of a house be placed on the site facing Church Street and revised plans to be submitted prior to building permit being issued.  
So Voted Unanimously**

**Munsey, Donna, 2429 Meetinghouse Way, West Barnstable, Map 155, Parcel 020**

New French Doors, Removal of 2 Windows, Construct Deck, Fencing w/Gate, Landscaping, Sign  
Represented by Donna Munsey

*Note: Elizabeth Nilsson recuses herself as she is an abutter to the applicant*

Ms. Munsey is back before the Committee for additional renovations to this historic house known as Otis Hall. In her research, the two small windows that exist now were not part of the original structure and really serve no purpose. She would like to remove them in her attempt to restore the building and replace them with French doors and add a transom above. From inside the structure, you can see that there were originally doors as the headers are still there. The door and transom were purchased in New Bedford and match the existing doors. George Jessop asked about the skylight that shows on the existing plan, but is not on the proposed. Ms. Munsey explained that the skylight is there now and was simply not drawn in on the proposed plans. She is also proposing a deck at the rear of the house. Carrie Bearse asked about the fence and gate proposed. Ms. Munsey stated that she wishes to add the fence as Route 149 is a very busy highway and she has two small children. She originally wanted a wrought iron fence, but has not found a suitable one yet, but asked if this would be something the Committee would approve. Carrie Bearse clarified that for the submission this evening, they would be voting on the wooden picket fence; however, she believes a wrought iron fence would be appropriate.

George Jessop asked for detail on the sign. Ms. Munsey reviewed an old post card that features Otis Hall and a small sign simply identifying the building. She proposes to replicate this. George Jessop asked if she wanted to add

the year and Pat Anderson commented that people may get confused thinking it was a street address and not the year the house was built.

**Motion duly made by Carrie Bearse, seconded by Pat Anderson to Approve the Certificate of Appropriateness for 2429 Meetinghouse Way, W. Barnstable as Submitted for a deck at the rear of house, French door, removal of two windows, new white picket fence with gate (with option of applicant installing a wrought iron fence upon approval of this Committee), brick pathway and sign identifying the property as Otis Hall.**

**So Voted Unanimously by Anderson, Jessop & Bearse**

*Note: Elizabeth Nilsson returns for the remainder of the Meeting*

**Mackenzie-Betty, Keith, 3282 Main Street, Barnstable, Map 299, 035**

New Door & Porch

Represented by Keith Mackenzie-Betty

Mr. Mackenzie-Betty explained that part of the building houses CapeAbilities gift shop and they would like to add another entrance to allow for an additional retail space that would need their own entrance. They intend to keep the existing windows and simply add a projecting porch. Pat Anderson noted that she likes the gable that matches the gable in the house, but the cross timbers is very british and asked if he could go with just the gable. Mr. Mackenzie-Betty noted that there is a window that would match the cross beams. George Jessop commented that a king post may want to be considered. Carrie Bearse liked that the cross beams match the window, but if you are taking it out, keep the design simple.

**Motion duly made by Carrie Bearse, seconded by Pat Anderson to Approve the Certificate of Appropriateness as Modified removing the cross bar (arch bracing).**

**So Voted Unanimously**

**Kosman, Thomas & Weil, Ruth, 20 Sheep Meadow Rd, W. Barnstable, Map 109, Parcel 020**

Construct 10' x 22' Deck, 2 Sets of Stairs, 2 Gliding Windows & 1 Gliding Patio Door

Represented by Thomas Kosman and Brad Sprinkle

Mr. Kosman refreshed the members on a previously submitted application as this is similar to that one. He wishes to replace the kitchen window and add stairs on both sides of the proposed deck, one to access the patio and one to access the ground. He explained that when he was here the last time, he wanted a deck that did not require maintenance and does not wish to paint trim every year. The proposed deck in on the rear of the home and will face the cranberry bog. Mr. Kosman explained that he originally wanted azek decking and railing system. This Board stated that they would not vote for the azek and suggested a mahogany decking which he would be willing to install and is included in this application tonight. The railing system is a bit tougher as it would require painting and this Board recommended a Bodyguard railing system. Bodyguard does not make a railing system. This Board agreed that he could come back and discuss alternates and he wishes to submit his original request for an azak railing system. He also does not wish pressure treated lattice as he intents to grow roses. He has reviewed the Guidelines Bulletin and it does not have any indication that they do not approve azek. He has also spoken to other OKH Boards in other Towns and there are no requirements that dissuade azek. The house is built in 1980 in a subdivision that have many houses built in the 1980's and 1990's. This deck at the rear of his home will not be visible from any way or neighbor. He understands the concern if it was visible and presented photographs taken this day and identified the locations from where they were taken (Exhibits 1-6) Mr. Kosman also indicated that he tried to measure how far the deck would be from the road, but the underbrush did not allow for this. He also understands the Board has reservations about wearing and warranty, but he is asking that you give an approval and believes that they would not be opening any doors to future requests. He does not believe that this would set a precedent. He did make the decking a mahogany deck and is willing to accommodate where he can. He hopes that the Board could review azek on a case by case basis.

Pat Anderson commented that they had a case regarding a retaining wall and they went back five years. The Regional Board ruled that this Committee was erroneous in their denial as it had been approved previously.

Carrie Bearse stated that she took the time to read Mr. Kosman's Supplemental Explanatory Information and prepared her own statement which she read into the record (Exhibit 2). She believes this Board should look at each application on its own merits and she believes Mr. Kosman has made his case with her. It is not visible from a public way and is at the far edge of the district and no opposition has been voiced from neighbors. She believes we should approve this application as exceptional circumstances regarding setting, the fact that no opposition has come forward and visibility issues.

Mr. Kosman appreciates the members serving on this Board and he is trying to be compliant. He is again, willing to go with the mahogany decking weathered grey but wishes the white azek railing system as he does not want to be painting every year.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Thomas Kosman and Ruth Weil at 20 Sheep Meadow Rd, W. Barnstable for new deck and lattice as Submitted due to exceptional circumstances regarding setting, no opposition and lack of visibility from a public way.**

**VOTE:**

**AYE: Bearse, Nilsson, Jessop**

**NAY: Anderson**

**Motion Carries 3-1**

**Town of Barnstable, DPW (Cemetery & Ground Services), 280 Putnam Avenue, Cotuit**

Install Double Sided Cemetery Signs at the following 2 Locations:

Cummaquid Cemetery, 1460 Mary Dunn Road, Barnstable, Map 335, Parcel 055

Lothrop Hill Cemetery, 2801 Main Street, Barnstable, Map 279, Parcel 060

Represented by Dan St Pierre

Mr. St Pierre presented color photographs of an example of what the signs would look like. It was discussed that one of the signs, for Lothrop Hill Cemetery is already installed. Elizabeth Nilsson stated that she is opposed to the blue signs and notes that signs in the historic district should be different so that people are aware they are in such a district. Pat Anderson commented that originally all town signs were black lettering on white background and they had an agreement with the DPW that all signs would remain this way. Mr. St Pierre stated that he was not aware of this agreement and added that the Town was trying to be consistent in their signage. Pat Anderson commented that she is aware of this, but this is a historic district where the signage should be different. Pat Anderson asked how hard it would be to repaint the signs to conform to the black lettering on a white background and Mr. St Pierre stated that he would have to speak with the sign maker.

Carrie Bearse stated that she believes the signs should be consistent and comments that the signs are appropriate and appealing. George Jessop also concurs that the signs are eye-catching; however, the Town has determined that they want all the signage to be the same, with no consultation with the Historic committees. Mr. Jessop questions whether the gold lettering could stay and have the background black. Pat Anderson added that she likes the logo and verbiage, but wishes they were black on white. Mr. St Pierre added that there are no more funds as they have already spent the money on the signs.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for the Town of Barnstable, DPW (Cemetery & Ground Service) for two signs located at Cummaquid Cemetery, 1460 Mary Dunn Road, Barnstable and Lothrop Hill Cemetery, 2801 Main Street, Barnstable as Submitted, noting that one has been installed.**

**VOTE:**

**AYE: Bearse, Jessop**

**NAY: Anderson, Nilsson**

**Motion does not carry due to tie vote of 2-2**

**Jenkins, Ruth, 2465 Meetinghouse Way, W. Barnstable, Map 155, Parcel 022**

Demolish Pole Barn

Represented by Attorney Peter Sundelin

Attorney Sundelin explained to the members that this is an early 1970 structure and not very well built. It has come to the end of its usefulness. George Jessop confirmed that the barn was built in 1972 according to the assessor's records.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Demolition for a Pole Barn for Ruth Jenkins at 2465 Meetinghouse Way, W. Barnstable as Submitted.**

**So Voted Unanimously**

**Wright, Helen, 45 Meridian Way, Barnstable, Map 319, Parcel 010**

Replace 8 Casement Windows

Represented by Stephen Klug

Mr. Klug stated that they wish to replace 8 windows that currently are eagle casement windows with snap on grills on the inside with Andersen, double hung and removal grills. They were previously approved for these same windows approximately a year ago for windows on the first floor and wish to continue with this style of window. Carrie Bearse

asked if the ones replaced last year were snap in grills and Mr. Klug indicated that they were. George Jessop reviewed the photos and commented that the windows on the first floor show a much heavier muntin bar. Mr. Klug stated that those are the eagle casement windows which are no longer available. Carrie Bearse asked if the representative could remember if they approved the snap in grills previously because they were at the back of the house, and Mr. Klug responded that they were approved for snap in grills because that is what existed. Carrie Bearse then asked which windows on the front would be replaced and Mr. Klug noted that two will be replaced on the second floor on the front. Carrie Bearse commented that they may have allowed snap in grills because they were existing, but she would approve this application if the two front windows of the home were grids between the glass or exterior grids. Mr. Klug stated that if you go with the grids between the glass you do not qualify for the energy tax credit and, in addition, the owner does not want exterior grids as she is the one who cleans them. George Jessop would like to have clarification on the windows that are going on the front and research what other options are available. Mr. Klug asked if this Board could allow the rear and side windows to have snap in grills and he will research alternate options for the front windows.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Helen Wright at 45 Meridian Way, Barnstable for replacement of casement windows on the side and back of house with snap in grills due to the fact that they had approved snap in grills previously. The two windows on the front of the house to be continued to October 13, 2010 for alternate options.**

**So Voted Unanimously**

**Harris, Robert & Wendy, 32 Old Toll Road, W. Barnstable, Map 109, Parcel 066**

Install Swimming Pool & Fencing

The Members reviewed the site plan for the pool and the proposed fencing. A black chain link fence with the exception of roughly 12 feet on each side of the house which will be a wrought iron look of aluminum that is powder coated black. The property is buffered by foliage and trees and the fencing can not be seen from the street. Elizabeth Nilsson asked if there will be gates in the fences and Mr. Harris noted that there will be two for access and mowing needs.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Robert & Wendy Harris at 32 Old Toll Road, W. Barnstable as Submitted for swimming pool and fencing.**

**So Voted Unanimously**

### Exemptions

**Brisbois, Girard, 76 Surrey Lane, Barnstable, Map 298, Parcel 065**

8' x 14' Shed

**Motion duly made by Pat Anderson, seconded by Elizabeth Nilsson to Approve the Certificate of Exemption for an 8'x14' shed as Submitted.**

**So Voted Unanimously**

**Zetarki, Jennifer, 2 Bow Lane, Barnstable, Map 299, Parcel 052**

10' x 12' Shed

**Motion duly made by Pat Anderson, seconded by Elizabeth Nilsson to Approve the Certificate of Exemption for an 10' x 12' shed as Submitted.**

**So Voted Unanimously**

### Other Business

**Approval of 2011 Hearing Dates**

**Motion duly made by Pat Anderson, seconded by Carrie Bearse to Approve the Hearing Dates for 2011**

**So Voted Unanimously**

**Approval of June 09, 2010 Minutes**

**Motion duly made by Pat Anderson, seconded by Carrie Bearse to Continue the Approval of the June 09, 2010 Minutes to October 13, 2010**

**So Voted Unanimously**

### Minor Modification

**Henderson, Michael & Patricia, 4428 Main Street, Cummaquid**

Change of Window Pattern – From 6/6 to 9/9

**Motion duly made by Pat Anderson, seconded by Carrie Bearse to Approve the Minor Modification for Michael & Patricia Henderson at 4428 Main Street for change of window pattern as submitted.**

**So Voted Unanimously**

**Royall, Velma Lee, 49 Sheep Meadow Road, W. Barnstable, Map 109, Parcel 028**

Change of Approved Paint Color from Lemon Sorbet to Chelsea Gray

**Motion duly made by Pat Anderson, seconded by Carrie Bearse to Approve the change of paint color for the previously approved garage and noted that the applicant must submit a Certificate of Appropriateness to change the color to Chelsea gray on the existing house.**

**So Voted Unanimously**

### Correspondence Received

The following correspondence was acknowledged as received.

Letter from Mass Historical Commission dtd 9/2/2010

Re: OpenCape Corporation Proposed Fiber Optic Network Infrastructure Project  
County Courthouse Complex, 3165 Main Street, Barnstable

Letter from Mass Historical Commission dtd 9/3/2010

Re: Fiscal Year 2011 Survey & Planning Grant Opportunities

### Other Discussion

#### **Route 6A Trees**

Carrie Bearse wished to update the members on a recent tree committee meeting regarding trees on Route 6A. Mass Highway plans to plant 25 trees donated and the Tree Warden will be putting stakes along 6A where the new trees will go. They are currently identifying those trees to be removed and will file an application. They asked her if the OKH would want the trees identified as they stopped doing this because it was such a long time between wrapping the trees with identifying tape and when the trees actually came down. There were numerous calls coming in from residents trying to find out what was happening.

Also, there may be an opportunity to replace some of the sidewalks earlier than within the anticipated 3-5 years. A survey was done and it was found that the sidewalks were in much better shape than thought. There is some left over money in the budget and they were considering a test area along 6A from Commerce Road to Phinney's Lane. Carrie suggests rethinking the wheelchair pad as the stamp brick pad is very expensive. Other options are either red, white or yellow pads and she is not opposed to either red or white. This is something this board needs to discuss before the Mass Highway does this limited area and it will simply happen and that is what you will see in the future.

### EXECUTIVE SESSION

Possible executive session to discuss litigation.

**At 9:22pm, a Motion was duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Adjourn to Executive Session for the purpose of discussion on potential litigation and will not be returning to Regular Session. Temporary Chair Jessop called for a Roll Call Vote:  
Bearse – AYE; Nilsson – AYE; Anderson – AYE; Jessop – AYE**

Respectfully submitted,  
Marylou Fair, Recording Secretary