

Town of Barnstable
Old King's Highway Historic District
MINUTES
Wednesday, April 13, 2011
7:00PM

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: George Jessop, Patricia Anderson, Carrie Bearse, Elizabeth Nilsson
Committee Members Absent: Bill Mullin

A quorum being met, 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

Schilpp, Frederick/Pickman, Carolyn, 115 Rendezvous Lane, Barnstable, Map 279, Parcel 029
New Screened Gazebo, Greenhouse, 2 Shed Dormers, 2 Enlarged Double Hung Windows
(Continued from November 10, 2010, December 08, 2010, January 12, 2011, February 09 & 23, 2011, March 09 & 23, 2011) **Applicant Requested to Extend to April 27, 2011**
Motion duly made by Pat Anderson, seconded by Elizabeth Nilsson to Continue the Certificate of Appropriateness to April 27, 2011.
So Voted Unanimously

Town of Barnstable / Dept of Public Works, Oak Street, West Barnstable
Reconstruct & Regrade Oak Street from Route 6 Overpass to Iyannough Road
(Continued from February 23, 2011, March 09 & 23, 2011)
Applicant Requested to Extend to April 27, 2011
Motion duly made by Pat Anderson, seconded by Elizabeth Nilsson to Continue the Certificate of Appropriateness to April 27, 2011.
So Voted Unanimously

REMANDED APPLICATIONS

Ehret, Gregory & Barbara, 21 Scudder Lane, Barnstable, Map 258, Parcel 011
Demolish Single Family Home, Basement & Concrete Patio
Application remanded by the Regional Commission to the Barnstable Town Committee
NOTE: Carrie Bearse recuses herself from the discussion and Vote of this Applicant
Represented by Gregory Ehret, Attorney Tracey Taylor and Architect Ben Thompson
Chairman Jessop read into the record the findings of the Regional Commission's Appeal #2010-5 filed by Katherine Converse which annulled this Committee's decision and remanded the application for a new public hearing to determine the historical significance of the cottage and a clarification of the possible relocation of the building. Chairman Jessop then asked the applicant if they were aware of the correspondence received and Attorney Taylor indicated that she was. Chair Jessop then noted that 18 letters had been received for the remanded application; 16 opposed, 1 in favor and 1 which was unreadable due to the font of the print.

Mr. Ehret stated that he wished to address the issue of if the house is historic or not. However, he began by speaking about the size of the house and he believed it was stated that he does not wish to have the house relocated. At the Regional Commission Hearing, it was asked why he had not advertised the relocation and Mr. Ehret stated that he was informed that since an appeal had been file, this would have to wait until the Appeal process was complete. He stated that he believes the letters received are misrepresenting the historic significance and today he would like to talk about the validity of the application. To rely on the fact that someone who lived in the house 200 years ago and is dead is not significant in his opinion.

Chair Jessop reiterated the purpose of this Committee is to determine the historic significance of the structure and asked why they wish to tear the house down. Ben Thompson, Architect for the project stated that originally the plan was to try to keep the house and put a usable 2nd floor within the structure and they found they could not.

Attorney Taylor reconfirmed her understanding that this hearing is to determine the historical significance of the house and the relocation and not discuss why they wish to tear the house down.

Ben Thompson reiterated that they did try to utilize the existing house and not until 1 ½ years later in order to do what made sense was that it made no sense to keep the house. The house lacks in dimension the things that they intend to do better with. In order to make it a real house with a real foundation, in order to make it a traditional Cape Cod Colonial, it can not be done with the existing house. Mr. Thompson noted that local builder, John Squibb was in agreement that in order to make this house livable, it made sense for it to come down. Mr. Thompson presented photographs of the second floor interior which shows door openings just over 5 feet and noted that Mr. Ehret is over 6 feet. At the top of the stairs there is a room that can hold just one twin bed and qualifies as such for anyone renting it. The interior fireplace is visually pleasing, but never worked. The interior floors are almost like those in this Community Building. The foundation is block and is wet and starting to bow.

Attorney Taylor stated that previously they heard a lot of public comment, but in her opinion, it was mostly sentimental. They believe that there is no historical or architectural significance. It is not on the National or Massachusetts Registry of Historical Places, no historical person or distinctive character lived there. There is no period, or style or famous architect associated with the house.

Attorney Taylor noted that at the Regional Commission Hearing there was testimony that someone named Rosamond Lothrop Bigelow owned the house and what she has read was that she was an 8th generation descendent of John Lothrop and that she was distantly related to other famous individuals. She was not a historic person herself. Similarly, Andy Keck who owned the house up until 2003 was very civic minded, well regarded, but this does not make him a historical figure. Attorney Taylor then referred to the criteria for determining historical or architectural significance.

Attorney Taylor and Architect Ben Thompson addressed the letter received from the Vernacular Committee. Attorney Taylor believes this was a form letter and that there is no foundation associated with the letter. Mr. Thompson stated that the word vernacular has come to mean many different examples and presented additional photographs indicating many different styles that could be considered Cape Cod vernacular style houses.

Chairman Jessop then opened the discussion up for Public Comment and Attorney Karen Bell, representing Katherine Converse spoke in opposition of the demolition. Attorney Bell noted that Scudder Lane is one of the oldest lanes in the Village and the cottage is over 80 years old, and by age, considered historic and emphasized the community support of the preservation of the cottage. The Town of Barnstable published a Preservation Plan and she referred to portions of the plan in which historic preservation is preferred. The cottage has been home to Rosamond Bigelow and respectfully disagrees with the significance presented by the owners. Attorney Bell addressed the history of the Bigelow decedents and provided evidence of lineage to the Sturgis family. Attorney Bell noted that Andy Keck also lived in the Town and is one of the founders of the Old King's Highway Historic District. There are many aspects of the cottage that make it significant and believes it would be detrimental to the district if demolition is allowed.

She then introduced Eric Dray, Historic Preservation Consultant, who stated that 21 Scudder Lane has been referred to as a vernacular cottage, a vernacular cape and a building that has no identifiable relevance to a specific architectural period. It is his opinion that all of these descriptions are wrong. This house clearly displays character defining features of a Colonial Revival style. During the period between the two world wars, colonial revival capes were chosen to imitate the Cape's earlier history. Architecturally it is a good example of the colonial revival style including features such as window heads set close to the eaves, the heavy centered chimney and the broad moderately pitched roof. Historically you can establish significance by its representation of a historical theme and that would be the early 20th century summer tourism. In both its design and setting on Hinckley Pond tells of how a new wave of summer residents used historic building forms, but sited them in new ways. To use the buildings condition that the current house does not fit the program of the new owners can not be a reason for allowing demolition. If allowed, it would become difficult to deny the next owner whose house does not work for them and he believes you would be creating a troubling precedent.

John Ehret spoke in favor of the demolition stating that he does not know why anyone would think this is anything but a good cottage to stay in the summer. Truly historic buildings should be preserved and this is not one. It has a terrible foundation, not historic and will never be historic as it does not have wonderful features.

Bob McClennahan spoke in favor of the demolition stating that he lives in a historic house located on Route 6A and came here with an open mind not knowing a lot and when he heard what Attorney Taylor and Ben Thompson said, he believes that it may be located in a historic district, but by not allowing the demolition it does not send a message to anyone. He does not think that who lived there matters; it is what the house looks like.

Chair Jessop having determined that no additional speakers wished to come forward, closed the Public Comment and offered the Applicant an opportunity for rebuttal.

Attorney Taylor wished to point out that the Committee received a lot of genealogy regarding Rosamond Bigelow, but that no proof of deed that she actually lived there. Ben Thompson addressed the comments on the siting of the house and to put it in context, one of the things about architecture and design is there is not definitive anything when it gets to design.

Chair Jessop then asked the opposing counsel if they had any final comment and Attorney Bell wished to enter into the record a copy of a deed from the Bigelow family to Andy Keck and a corresponding e-mail from a neighbor attesting to the fact that Rosamond Bigelow lived at 21 Scudder Lane.

Chair Jessop then asked the Board members for any comments.

Pat Anderson noted that nothing has been said about the moving of the house. Mr. Ehret indicated that they would be happy to move the house, but would submit that after looking into that the last time; it was found that the house would need to be cut in half. Ms. Anderson stated that she does not favor demolition and would be in favor of relocation. Previously they did not have the historical information that they have at this time and she would not be in favor of demolition. The information provided by Attorney Bell indicates to her that there is significance.

Elizabeth Nilsson believes it would be fair to allow Mr. Ehret to try and find someone to move the structure and would suggest that a vote not be taken tonight.

Pat Anderson stated that this Board needs to make sure that there is a good faith attempt in putting the ad out or to try and find someone to flake the building. She would like to see a time frame which would allow for advertising twice in both the Cape Cod Times and the Barnstable Patriot similar to the demolition delay ordinance and run it and see what happens. The interested party would need time to get estimates and permits. She would recommend a six month period from the first ad date and if at the end of the six months no one has come forward, the applicant can file another demolition application.

Attorney Taylor asked the members if they have found a finding of fact that the house has significance and if so, on what basis.

Elizabeth Nilsson stated that based upon the type of architecture, it does have significant value in her opinion. It has value as a modest Cape Cod colonial revival and, historically, based upon Andy Keck and his role in the creation of The Old King's Highway Historic District.

Pat Anderson stated that this structure may not rise to the level of national or state registry but it does have some significance architecturally and could rise to the local level. She believes this house would contribute. Also has historic value due to the number of people who have been in the building and the contributions they have made.

Greg Ehret wished to clarify that with the relocation, the two previous interested parties did not want the small box section of the house, just the main portion of the house.

Motion duly made by Pat Anderson, seconded by Elizabeth Nilsson to Approve the Certificate of Demolition or Relocation for Mr. & Mrs. Gregory Ehret at 21 Scudder's Lane, Barnstable.

AYE: None

NAY: Anderson, Nilsson, Jessop

Motion failed to carry by a vote of 0-3

NEW APPLICATIONS

Note: Carrie Bearse returned for the remainder of the Meeting

Lawlor, Patricia, 410 High Street, West Barnstable, Map 111, Parcel 046

Convert Existing Deck to Three Season Sun Porch

Represented by Robert Glover, Contractor

Mr. Glover detailed the project which will enclose an existing deck into a three season sun porch. The trim and sidewall will match existing; the trim will be pine, Anderson gliding windows. Elizabeth Nilsson asked about grids on the windows and Carrie Bearse noted that it is not necessary for a sun room.

**Motion duly made by Carrie Bearse, seconded by Pat Anderson to Approve the Certificate of Appropriateness for Patricia Lawlor at 410 High Street, West Barnstable as Submitted.
So Voted Unanimously**

Ellis, Joan & John, 3200 Main Street, Barnstable, Map 300, Parcel 007

Construct 12' Dormer on Front Elevation
Represented by William Swift

Mr. Swift indicated that the owners would like to add a dormer to the front elevation to break up the monotony of the front and add light to the interior. Pat Anderson asked if it is going to be living space and Mr. Swift noted it will just be for light. Carrie Bearse asked if the windows will match the current ones, and if so, what the grill pattern is. Mr. Swift stated that the current windows are grills between the glass as will be the proposed. George Jessop asked what kind of windows and Mr. Swift commented that they will be sliding windows, custom made and most likely from Harvey. George Jessop commented that the present windows are brown and Mr. Swift confirmed that they are terratone and the new windows will match.

**Motion duly made by Pat Anderson, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Joan & John Ellis at 3200 Main Street, Barnstable as an EXCEPTION with grills between the windows as that is what is currently existing.
So Voted Unanimously**

McAbee, Cathleen & John, 59 Cypress Point, Barnstable, Map 349, Parcel 088

Construct 21' x 20' Addition to Rear of House, Install New Windows
Represented by Thomas Moore

Mr. Moore explained that the addition proposed will be on the rear of the house as an extension of the kitchen and act as a family room. The windows are terratone and the proposed will have exterior applied grills. All materials including roofing, siding and trim will match existing. George Jessop inquired as to the roof pitch and if it will match existing. Mr. Moore indicated that it would and the pitch would be 9 and 12.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Cathleen & John McAbee at 59 Cypress Point, Barnstable as Submitted.
So Voted Unanimously**

Hoffstein, Richard & Beverly, 44 Holway Drive, West Barnstable, Map 136, Parcel 032

Construct 2nd Floor Gable Dormers, New Garage Door, New Window Trim & Shutters
Represented by Steve Cook, Cotuit Bay Design

Mr. Cook noted that the applicants have previously appeared before this Committee and wish to now add to the construction. Currently there is no trim on the front windows and they propose to add 1'x4' Boston sash. Carrie Bearse asked if the existing shutters are plastic and Mr. Cook indicated that they are and the new ones will also be PVC. Elizabeth Nilsson expressed concern that the dormers look too heavy for the house. George Jessop asked if the windows could be moved upwards. Steve Cook explained that they are matching the ceiling height inside and at 7' 4" he believes it is not out of character. In addition, both his clients are tall. George Jessop then asked if he could bring the window down to the shingle line and reduce it to the gable rake trim. Mr. Cook asked if they could compromise at 7' and Chairman Jessop suggested Mr. Cook redesign it at the seven foot and resubmit revised drawings for the Board's review at the next meeting.

**Motion duly made by Pat Anderson, seconded by Carrie Bearse to partially Approve the Certificate of Appropriateness for Richard & Beverly Hoffstein at 44 Holway Drive, West Barnstable for new garage doors, window trim and shutters and to continue the construction of the 2nd floor gable dormer to April 27, 2011 for submission of redesign.
So Voted Unanimously**

Cannon, Timothy, 38 Maraspin Road, Barnstable, Map 299, Parcel 075

Replace Windows (9)
Represented by Timothy Cannon

Carrie Bearse asked if the windows have already been installed and Mr. Cannon replied that they have been. Ms. Bearse stated that she viewed the site prior to the meeting and the new windows were installed with no grills. The photo included with the application indicates prior windows did have grills and she would never have approved windows without any type of grills.

George Jessop asked if the Board would like to recommend that the windows be fixed with exterior grills. Mr. Cannon asked if this can be done after the windows have been installed and Mr. Jessop replied that the applicant would have to find out from the manufacturer. Mr. Cannon stated that none of the neighbors have grills on the windows and Carrie Bearse noted that most of the windows in the neighborhood do have some type of grill pattern.

Pat Anderson clarified that the applicant may chose a grill pattern such as 8/8 or 6/6 and that he should contact the manufacturer to determine cost and how it can be achieved to get the exterior grills and suggested a continuance of the application.

Motion duly made by Pat Anderson, seconded by Elizabeth Nilsson to Continue the Certificate of Appropriateness for Timothy Cannon at 38 Maraspin Road, Barnstable to April 27, 2011.

So Voted Unanimously

McMahon, Richard & Catherine, 50 Colonial Way, West Barnstable, Map 237, Parcel 051

Construct 24' x 21' Addition to North Elevation

Represented by Richard McMahon

Mr. McMahon presented his application. Carrie Bearse questioned the pitch of the addition as there is a required pitch with the Committee and it appears there is an extreme lack of pitch. Mr. McMahon stated that he is trying to match up with the existing structure. George Jessop asked if he was trying to get under the 2nd floor windows and Mr. McMahon indicated that he was. George Jessop then asked if the window in the bathroom on this elevation could be eliminated and Mr. McMahon stated that possibly it could, but that he would not want to. Additional discussion took place that all materials will match existing and the proposed windows will have grills between the glass.

Motion duly made by Carrie Bearse, seconded by Pat Anderson to Approve the Certificate of Appropriateness for Richard & Catherine McMahon at 50 Colonial Way, W. Barnstable as Submitted with Grills between the Glass and Approving the Pitch on the addition of less than required as the existing structure will not handle the requirement.

So Voted Unanimously

Unitarian Congregational Society, 3330 Main Street, Barnstable, Map 299, Parcel 041

Replace Wooden Louvers with Fiberglass Louvers

Represented by Andrew Thompson, T-Mobile Northeast LLC

Mr. Thompson explained that T-Mobile is working with the Unitarian Church to install a wireless system and the wires are to be place behind the wooden louvers. Unfortunately, the signal can not transmit through wood and louvers would need to be replaced with fiberglass.

Pat Anderson asked how high up the louvers are and Mr. Thompson indicated approximately 40-45 feet and they will be designed to match exactly what is there now. Carrie Bearse clarified that the material will not be shiny and painted black to match existing.

Motion duly made by Carrie Bearse, seconded by Pat Anderson to Approve the Certificate of Appropriateness for the Unitarian Congregational Church at 3300 Main Street, Barnstable as Submitted to replace wood louvers with fiberglass to match existing.

So Voted Unanimously

Moore, Jeffrey & Nickerson, Leyla, 99 Crocker Road, Barnstable, Map 110, Parcel 015

Construct Addition to Existing Detached Garage

Represented by Richard Roy, Rick Roy Construction

Mr. Roy explained that additional space is needed for Mr. Moore's farming and mechanical tools. George Jessop inquired about the grade of the garage. Mr. Roy noted that in order not to have rain and water run into the garage, the grade needed to be raised. Carrie Bearse confirmed that the windows on the addition will have grills to match existing.

Motion duly made by Carrie Bearse, seconded by Pat Anderson to Approve the Certificate of Appropriateness for Jeffrey Moore and Leyla Nickerson at 99 Crocker Road, Barnstable as Submitted.

So Voted Unanimously

MINOR MODIFICATIONS

Rossi, Jason, 28 Oakmont Road, Cummaquid, Map 349, Parcel 052

Change Color of Front Door from Blue to Black

Motion duly made by Carrie Bearse, seconded by Pat Anderson to Approve the Minor Modification as Submitted.

So Voted Unanimously

Fisher, Robert, 2653 Main Street, Barnstable, Map 258, Parcel 043

Change Hip Roof on Enclosed Porch to Gable End Roof

Motion duly made by Pat Anderson, seconded by Elizabeth Nilsson to Approve the Minor Modification as Submitted.

So Voted Unanimously

Nolan, Robert & Judith, 200 Mill way, Barnstable, Map 300, Parcel 035

Change of Garage Door, Exterior Door and Increase Dormer 2 feet

Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Minor Modification as Submitted.

So Voted Unanimously

EXEMPTIONS

Nakata, Jennifer, 43 Stonewall Drive, W. Barnstable, Map 217, Parcel 050-002

10' x 12' Shed

Motion duly made by Pat Anderson, seconded by Carrie Bearse to Approve the Certificate of Exemption as Submitted.

So Voted Unanimously

Hass, Joel & Pelletier, James, 66 Allyn Lane, Barnstable, Map 258, Parcel 073

Replace existing Slider Doors with same dimensions, however, fixed exterior grills

Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Exemption as Submitted.

So Voted Unanimously

CORRESPONDENCE RECEIVED

Letter from Ruthanne Allen re: Installation of Electrical Unit – 2590 Main Street, Barnstable

Ms. Allen stated that she lives along Route 6A where a historic rock wall is located. There is a historical marker dated 1681-1719 marking this wall. She and her husband, along with two neighbors happily restored the wall several years ago. Today, an electrical unit has been placed in front of the wall and blocks the historic marker. When this was proposed she inquired if the unit could be located farther to the east so as not to block the wall and was informed that there was a tree that created root issues. That tree has since been removed along with many others along Route 6A and John Erickson of the Barnstable Fire District believes there may still be a root issue.

Carrie Bearse asked Ann Canady if this is something she could help Ms. Allen with. Councilor Canady indicated that she believes there would be an approximate cost of \$8300 involved in the relocation and that it would be difficult.

Carrie Bearse noted that she recalls that when approved, this Committee asks that the units be painted a non-glossy green and that landscaping be added. Ms. Allen stated that in a conversation with Mr. Erickson, she was informed that they came in stainless steel and could not be painted.

Carrie Bearse requested that this be investigated as to why the installation has not been done as approved and asked that Councilor Canady inquire about the possible relocation.

OTHER BUSINESS

Revisions to Old Kings Highway Application Forms, Specification Sheet & Checklist

Motion duly made by Pat Anderson, seconded by Carrie Bearse to Continue the review of application forms to April 27, 2011.

So Voted Unanimously

Having no further business before this Committee, a Motion was duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Adjourn the Meeting at 10:30pm.

Respectfully submitted,
Marylou Fair