

**Town of Barnstable**  
**Old King's Highway Historic District**  
**MINUTES**  
**August 26, 2009**

A regularly scheduled and duly posted hearing for the Town of Barnstable Old King's Highway Historic District Committee (OKH) was held on August 12, 2009 at the West Barnstable Community Center, Route 149, West Barnstable, MA. The hearing was advertised in the Barnstable Patriot on August 14, 2009.

**Committee Members Present: Robert Stahley, Chair, Carrie Bearse, Clerk, George Jessop, Elizabeth Nilsson, Patricia Anderson**  
**Also Present: Bob McKechnie, Building Inspector and Marylou Fair, Recording Secretary.**

A quorum being met, Chair Stahley 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**

**Gray, Stephen, 312 Midpine Road, Barnstable, Map 349, Parcel 025**

Additions (2), Alterations, Windows, Paint, Rear Deck

Represented by Stephen Bobola

Mr. Bobola indicated that his application was continued from August 12, 2009 and he has returned with drawings indicating the rear of the house as well as the window detail. There will be two additions (on either side of home) and will match existing pitch. The submitted drawings show only one of the windows in the additions to have mullions. Contractor indicated that both windows on the new additions will have mullions and George Jessop added this note to the drawing. Quad casement windows are existing and will be replaced as is. The new deck will be composite, pressure treated frame and azek trim.

Paint: The existing color is chocolate and would like to change the body and trim to Benjamin Moore Haystack and the Shutters to be painted Benjamin Moore Everglades.

Windows: Harvey vinyl classic units for the entire project. Mr. Bobola indicated that the homeowners do not want grills of any kind on the windows. In reviewing the drawings, there were several types of windows and all indicated they would have grills. It was agreed that all replacement windows will be 6 over 6 with grids between the glass. The Contractor indicated if that was the ruling, then the homeowner would most likely go with attached exterior and interior grills.

**Motion duly made by Carrie Bearse, seconded by George Jessop to Approve the Certificate of Appropriateness for Stephen Gray at 312 Midpine Road for additions, paint color and deck and to Amend replacement Windows to be 6 over 6 will grills between the glass with builder's option for applied exterior and interior grids.**

**AYE: Stahley, Bearse, Jessop, Nilsson**

**NAY:**

**ABSTAIN: Anderson (recuses herself as she was not present at last meeting)**

**Thompson, David & Shelley, 1094 Main Street, W. Barnstable Map 178, Parcel 012**

Windows (3) facing 6A – Continued for contact with HAC

Mr. Stahley reported that he has been in touch with Housing Assistance Corp and they have agreed to install the windows preferred by the Old King's Highway for the 3 that face Route 6A. Mr. Stahley stated that he appreciates the Applicants and the HAC for working with this Committee.

**Motion duly made by Carrie Bearse, seconded by George Jessop to Approve the remaining 3 Windows facing Route 6A which will have fixed exterior grills for David & Shelley Thompson at 1094 Main Street.**

**AYE: Stahley, Bearse, Jessop, Nilsson**

**NAY:**

**ABSTAIN: Anderson (recuses herself as she was not present at last meeting)**

## **New Business**

### **Forsyth, Colin & Edith, 281 Oakmont Road, Barnstable, Map 334, Parcel 024**

Replacement Windows

Represented by Roger Byam

Mr. Byam indicated that they would like to request a modification to the submitted application in that they would like to not have the imbedded grills as the windows that are existing are an interior removable grill and the homeowner would like all of the windows to be the same. Carrie Bearse reiterated that the OKH's preference is not to have snap on grills. Mr. Byam pointed out that the replacement windows are all around the house and there is not one specific wall where all of the windows are being done. In addition, what is there now are the interior removable grills. At this time only 15 out of 30+ windows are being replaced. The Committee asked the Contractor to indicate on the submitted photos which windows are being replaced.

**Motion duly made by Carrie Bearse, seconded by George Jessop to Approve the Certificate of Appropriateness as Submitted for replacement of 15 windows with 5/8 imbedded grills between the glass for Colin & Edith Forsyth at 281 Oakmont Road. Any new windows to match the grills between the panes.**

**AYE: Stahley, Bearse, Jessop, Nilsson, Anderson**

**NAY:**

**ABSTAIN:**

**So Voted Unanimously**

### **Levesque, Claude & Sheila, 429 Braggs Lane, Barnstable, Map 298, Parcel 028**

Roof, Windows, Chimney flashing & New Front Door

Represented by Dean Fraser

Proposing new roof shingles of Granite Gray, copper flashing on chimney to replace existing lead, new front door with color to be Colonial Red, add a dormer to match the existing one on the home and install a slider to the back of the property with a small deck. George Jessop asked if the casement on the existing dormer could match the casement on the existing windows by scaling it back and adding shingles or clapboard and the Contractor indicated this could be done. The casement is a bit large on the existing dormer. 6' Anderson Slider and Anderson window for new dormer to match existing.

**Motion duly made by George Jessop to Approve the Certificate of Appropriateness for Claude & Sheila Levesque at 429 Braggs Lane as Submitted with exception that the existing dormer casement be scaled back to match remaining windows on house.**

**AYE: Stahley, Bearse, Jessop, Nilsson, Anderson**

**NAY:**

**ABSTAIN:**

**So Voted Unanimously**

### **Lombard Trust, 35 Navigation Road, W. Barnstable, Map 156, Parcel 056**

**(Peter Sullivan, Agent)**

Erect 26' X 96' Round Tunnel Style Greenhouse

Represented by Peter Sullivan

Mr. Sullivan explained that he is there representing Cape Cod Oyster who wishes to install the greenhouse. The Board asked for clarification on who owns the land. The land is owned by the Lombard Trust. The 25'x96' tubular greenhouse will be used to temporarily house oysters from approximately December 1 through the end of February. Pat Anderson inquired if it is only going to be used for such a short time, could it be put up and then taken down when not in use. John Jacobson, who stated he was an abutter, was present to review the application. He voiced concern that he was not notified and the Board checked the Abutter's List in the file and discovered he is not part of said abutter's list. He wishes to be notified of any future applications on this property. He believes this use for the property is a good thing.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for a TEMPORARY structure and be constructed beginning December 1 to the last day of February in any given year and to be removed at all other times for The Lombard Trust at 35 Navigation Road.**

**AYE: ALL**

**NAY**

**ABSTAIN**

**So Voted Unanimously**

### **Exemptions**

**Gray, Stephen, 312 Midpine Road, Barnstable, Map 349, Parcel 025**

4' Split Rail Fence

**Motion duly made by Pat Anderson, seconded by Elizabeth Nilsson to Approve the Certificate of Exemption as Submitted for a 4' natural wood split rail fence.**

**So Voted Unanimously**

**Claus, Clyde, 23 Hilliards Hayway, West Barnstable, Map 136, Parcel 049**

4' Fence

**Motion duly made by Pat Anderson, seconded by Carrie Bearse to Approve the Certificate of Exemption as Submitted for a 4' Natural wood Picket fence.**

**So Voted Unanimously**

**Milano, Anthony, 110 Keveney Lane, Cummaquid, Map 351, Parcel 024001**

Shed ( 11' x 8'6" )

**Motion duly made by Pat Anderson, seconded by Carrie Bearse to Approve the Certificate of Exemption as Submitted for an 11'x8'6" Shed.**

**So Voted Unanimously**

**Small, John, 519 Willow Street, West Barnstable, Map 130, Parcel 034**

4' Vertical Picket Fence

**Motion duly made by Pat Anderson, seconded by Carrie Bearse to Approve the Certificate of Exemption as Submitted for a 4' Natural Wood Picket fence**

**So Voted Unanimously**

**Moran, Thomas, 112 Scudder's Lane, Barnstable, Map 259, Parcel 013**

4' Wooden Picket Fence painted White

**Motion duly made by Pat Anderson, seconded by Carrie Bearse to Approve the Certificate of Exemption as Submitted for a 4' Wood Picket fence painted white**

**So Voted Unanimously**

### **Extensions**

**Dyka, Robert & Kerry, 30 Tally Ho Road, Barnstable, Map 316, Parcel 085**

Letter received from Vollmer & Son Construction requesting a one-year extension of their Application which was approved September 24, 2008

**Motion duly made by Pat Anderson, seconded by Carrie Bearse to Approve a One-Year Extension for Robert & Kerry Dyka of 30 Tally Ho Road to expire September 24, 2010.**

**AYE: Stahley, Bearse, Jessop, Nilsson, Anderson**

**NAY:**

**ABSTAIN:**

**So Voted Unanimously**

## **Discussion**

Cape Cod Community College, Proposed Wind Turbine: OKH permitting issues  
Pat Anderson stated that she recalls that when the OKH first read the MEPA Report, the OKH sent a letter to Cape Cod Community College advising them that they need the approval of this

Board. A letter was also sent to Massachusetts Historical Commission to alert them that this project has not come before the OKH. Afterwards, telephone calls between Staff and the College took place, as well as telephone calls between the Board's Attorney, Jim Wilson, Staff and the College. A former staff person employed at that time informed the College that they did not have to come before the Old King's Highway Historic District Committee. Ms. Anderson suggests that Attorney Wilson make contact with current staff to try and work out some notification process or perhaps through the Building Commissioner that when they try to pull the permit, they will be referred to the OKH. Building Inspector Bob McKechnie questioned whether a permit would be needed from the Building Department as the ordinances for Wind Turbines falls under the review of the Zoning Board of Appeals. Chairman Stahley recommended that Pat Anderson assist Staff in drafting a letter to the Building Commissioner and the Town Attorney on behalf of the Old King's Highway. The members of the Board concurred with this suggestion.

Approval of Minutes of July 08, 2009

**Motion duly made by Carrie Bearse, seconded by George Jessop to Approve the Minutes of July 08, 2009 with Corrections.  
So voted Unanimously**

Approval of Minutes of August 12, 2009

**Motion duly made by Carrie Bearse, seconded by George Jessop to Approve the Minutes of August 12, 2009 with Corrections.**

**VOTE**

**AYE: Stahley, Bearse, Jessop, Nilsson**

**NAY:**

**ABSTAINED: Anderson**

**Having no further business before this Committee, a Motion was duly made by Elizabeth Nilsson, seconded by Carrie Bearse to adjourn the meeting at 8:45pm.  
So Voted Unanimously**

Respectfully submitted,  
Marylou Fair, Recording Secretary