

Town of Barnstable
Old King's Highway Historic District
MINUTES
Wednesday July 14, 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, George Jessop, Elizabeth Nilsson

Motion duly made George Jessop, seconded by Elizabeth Nilsson, that Patricia 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

Ehret, Gregory & Barbara, 21 Scudder's Lane, Barnstable, Map 258, Parcel 011

Demolish Single Family Home, Basement & Concrete Patio

(Continued from June 09, 2010)

Represented by Gregory & Barbara Ehret, Attorney Tracey Taylor, Ben & Denise Thompson, Architects

Carrie Bearse recuses herself from the discussion as she believes she is conflicted on the issues of this application and removes herself from the room.

Chair Anderson notes that there has been a plethora of letters received and many are quite lengthy and it would take an unusual amount of time for her to read each and everyone into the record. She requests that if the party is present, when she calls for Public Comment, that this person come forward and read the letters into the record themselves.

Attorney Tracey Taylor spoke on behalf of the Ehret's regarding the Demolition and believes the issue before this Commission is if this structure has any historic significance. It is not on the Massachusetts Historic Register or the National Register. It is not associated with a historic person, building or architecture. It is a simple cape style home and it may be old, 80 years according to the assessor's records, but there are over 3,400 buildings within the Town of Barnstable that are 75 years or older. There is opposition to this project, mostly from one family, but she believes there is misunderstanding on the size and scope of the project. The objections are sentimental of the home and the area.

Chair Anderson asked if the Architects, Ben & Denise Thompson wished to speak now regarding the demolition portion of the application or to wait for rebuttal. The Thompson advised that they would wait.

Chair Anderson then opened the Meeting up to Public comment and requested that the parties be cautious in their repetition of comments.

Katherine Converse of Barnstable read a letter into the record opposing the application (Exhibit 1)

Steve Nill of Barnstable read a letter from himself and Marie Woolf into the record in favor of the application (Exhibit 2)

Kate Schelter of Barnstable read a letter into the record opposing the application (Exhibit 3)

Edie Vonnegut of Barnstable read a letter into the record in favor of the application (Exhibit 4)

Diane Finney read a letter into the record opposing the application (Exhibit 5)

Nancy Lamb of Barnstable read a letter into the record from herself and Rick Lamb in favor of the application (Exhibit 6)

Joanne Lyman of Barnstable read a letter into the record opposing the application (Exhibit 7)

Robert Ambrose of Cummaquid read a letter into the record opposing the application (Exhibit 8)

Steve Berglund spoke in opposition of the application.

Francis Cohen spoke in favor of the application

Mary Bradley of New Haven, CT spoke in opposition of the application

NOTE: Ms. Bradley submitted a letter to Staff at the conclusion of this application (Exhibit 12)

Mr. Ehret, Owner and Applicant read a letter into the record (Exhibit 9)

Two additional letters from Kristin Macdonald of Barnstable and Jennifer Schelter of Barnstable and Philadelphia were received by Chairman Anderson via e-mail prior to Hearing and are hereby entered into the record (Exhibits 10 & 11)

Chairman Anderson asked Attorney Taylor if she wishes to rebut. Attorney Taylor stated that they have heard a lot from the people in the immediate neighborhood regarding nostalgia and the sentimental value the structure has to them. Ms. Cohen noted in her comments that not all houses over 75 years have historic significance and she would agree that this house does not. A statement was made that this is the oldest structure on the lane and she would have to disagree as she has information that there are seven houses on Scudder Lane that are older. The land and the area may have significance. There is no evidence that this house is affiliated to any historical event and there has been no comment on the architectural significance. It is a

typical 1930 Cape and was not designed by a historic architect. With regard to Andy Keck, the Board has heard that he was a renowned art historian who collected art, and although he may be known locally, she does not believe he was widely known.

Katherine Converse wished to respond that the area is historic and in that context she believes the home is historic. Agrees that it is a typical Cape structure and that is why it is appealing. Perhaps local carpenters built it. She also noted that she stated that this house is one of the oldest "cottages".

Mary Bradley wished to add that Andy Keck is a famous person as he is one of the persons behind the making of the Old Kings Highway Act.

Architect Ben Thompson stated that he was not prepared for the opposition at the last meeting and that he too felt conflicted on the demolition when they first began this project. He noted that he cares about the area and is glad that those in attendance care as well and they are very particular on whom they work with and believe that they design structures that are appropriate. They did try very hard to add onto the existing home and to renovate, but it did not work.

Chair then asked for final public comments and Diane Gooch of Barnstable stated that she would like to know the argument for not incorporating the original structure and why it could not be done.

Chair Anderson, hearing no further requests to comment, closes the Public Comment and noted that, for the record, it was mentioned by one of the speakers that this structure is on the State Historic Register, it is not. She explained that this house is listed within the Town of Barnstable's Historic Department as a property that is over 75 years old and a potential structure to be inventoried for any significance.

The Chair asked the Board if they had any comments or questions.

George Jessop commented that one of the reasons they continued this application was for members to visit the site and he went and looked at it from all areas and there are a number of features about the house that he likes that are different, not unique, but different. The neighborhood houses are of a formal style and the scale increases as you get closer to the water. This Board has tried to keep them if not small, proportional. The part of the land that has been given over to conservation that we have heard about tonight, is not part of this site plan. The house is not visible from Scudder Lane until you are right on top of it because of the foliage and landscaping. He suspects that 80% of the basement is crawl space, maybe even more.

Elizabeth Nilsson thinks that this present structure does have architectural interest and would have a hard time seeing it demolished.

Chair Anderson asked the Ehrets if they could see keeping the house or any portion of the house and adding on. Mr. Ehret stated that they did start the process this way and not until just 3-4 months ago found that they could not support that premise. He also wished to

comment that they are building a 3500 square foot house and not a 7000 square foot as mentioned by one speaker.

Chair Anderson stated that she would like to see, rather than just a denial of the application, she would like to see a compromise if there is any way to keep a portion of the façade and building off of that and you can get what you need, but keep some sort of flavor of the cottage. Mr. Ehret commented that they would have to respond no, as they did try for two years to do this.

George Jessop added that he is not opposed to the demolition of the cottage as he believes what is proposed is appropriate, but would also comment that when you try to add to a structure, you strip it down and what is the difference between stripping it down to the sheathing and demolishing it. You will start to find damage when it is not maintained regularly and has been lived in year round. He asked if the front porches and those around the home can be formalized to those historic looks on Scudder Lane.

Chair Anderson stated that she is always hesitant to approve demolition of a building that she believes still has life. That said, if this Board approves the demolition, she asked the owners if they would be willing to offer the house for a nominal consideration if that person was willing to assume the cost of removal of the building and allow ample time, perhaps 3-4 months, to complete the removal. She also asked if the Ehret's would undertake the cost of advertising in a local paper of the availability of this building. Mr. Ehret's agreed that they would offer the house for a nominal fee and would assume the cost of the advertising and be willing to allow ample time for this to occur.

Motion duly made by George Jessop, seconded by Pat Anderson to Approve the Certificate of Demolition or Relocation of Building Structure at 21 Scudder Lane for Gregory & Barbara Ehret as Submitted.

VOTE:

AYE: Jessop, Anderson

NAY: Nilsson

Motion passes 2 in favor, 1 opposed

Ehret, Gregory & Barbara, 21 Scudder's Lane, Barnstable, Map 258, Parcel 011

Construct New Single Family Home, Garage/Barn

(Continued from June 09, 2010)

Represented by Gregory & Barbara Ehret, Attorney Tracey Taylor, Ben & Denise Thompson, Architects
Mr. Thompson presented new renderings in color and reviewed elevations. It was noted that living area is the same dimension as the existing house. The footprint of the new house is in the same location as the existing house. The separate barn, which they called a barn sometimes and at other times a garage, has confused neighbors. It is a modern garage but it has been designed to look like a barn. The new house does extend a bit towards Scudder Lane; however, the driveway stays the same. Mr. Thompson then discussed the differences in footprint of the existing versus the proposed and wished to correct information that was mentioned that this is a 7,000 square foot house. There is the garage which will add to the footage; however the living area of the proposed house is 3700 square feet. Ann Canedy commented that there is confusion of gross footage versus living area footage. Denise

Thompson noted that the gross numbers of the house, including all porches and the second floor is 5000 square feet. The porches have 1600 square feet of outdoor space.

The Chair suggested that due to the lateness of the hour and a full Agenda ahead that this Application be continued to the next meeting as it is the understanding of this Board that there will be additional design changes made to the submitted plans and asked the applicants if they would be willing to entertain a continuance. It was agreed to continue the application to July 28, 2010 at 7:00pm.

Motion duly made by George Jessop, seconded by Elizabeth Nilsson to Continue the Certificate of Appropriateness for Gregory and Barbara Ehret of 21 Scudder Lane for the construction of a new single family house to July 28, 2010 at 7:00pm.

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

(Continued from June 23, 2010)

Represented by Douglas & Deborah Hempel and Conrad Geysler of Cotuit Solar

Chair Anderson noted that she was not present at the June 23, 2010 Meeting and will abstain from the discussion and vote, however, will be able to Moderate.

Mr. Hempel asked for clarification on what the sticking point was at the last meeting. Was it the skylights or the solar panels that the Board was concerned with? Carrie Bearse commented that for her it was the skylights on the front of the house and she does not remember every having approved skylights on the front of any home. Mr. Hempel then asked about a recent application of the Sandy Neck bathhouse and noted that that structure has skylights and wondered what is considered the front of that structure. He also wished to add for the record that his house faces Route 6 and has brought pictures of 35 structures that have skylights depicted on the front, although none of these projects were approved by this Committee.

George Jessop commented that he visited the site and unfortunately, it was an overcast day and he had a hard time determining if it was possible at all to install the solar panels on the back of the house. Conrad Geysler of Cotuit Solar stated that they did research this and it can not go on the back.

Carrie Bearse commented that she does not recall an application coming before them where the only place to put them is the front of the house.

Applicants presented a slightly better rendering of the solar panels as they would appear with the skylights which the Board reviewed and a copy placed in the file (Exhibit 13)

Mr. Hempel asked if they were to remove the skylights would that make a difference as to the approval of the solar panels. Carrie Bearse said for her it would and she was clear on that at the last meeting. Mrs. Hempel appreciated this, but the two bedrooms are very dark and although she would like the idea of the dormers, this was not an option as it reduces the

number of solar panels and they would have to go in different places. Carrie Bearse reiterated that what she suggested was a small shed dormer and not a doghouse dormer.

Elizabeth Nilsson added that she does not believe that the solar panels on the front of the house are appropriate and would not vote for the skylights as they are proposed.

George Jessop stated that given the alternative of a shed dormer for light and given the fact that there is a shallow pitch on the rear roof and might not have the capacity that the front roof would, he believes that the rear of the house would still allow some photovoltaic panels. He would not support either the skylights or the solar panels for the front elevation.

Conrad Geyser wished to add that on the suggestion of the shed dormers, the obstacle is that the panels have a sundial effect that would kill the solar potential if the shed dormers were to be incorporated and he does not believe it would work.

Chair Anderson asked the applicants if they wished to incorporate any suggestions that the Board had to offer and return to the next meeting. Mr. Hempel noted that even if they did incorporate the dormer, it appears that they would not have the necessary votes for approval. Mr. Geyser added that he would like to be able to install the solar panels on the rear of the house, unfortunately, it is not possible.

Motion duly made by Carrie Bearse, seconded by George Jessop to Approve the Certificate of Appropriateness for Douglas and Deborah Hempel at 170 Capes Trail for Installation of Two Skylights and Solar Panels as Submitted.

VOTE:

AYE: None

NAY: Jessop, Bearse, Nilsson

ABSTAIN: Anderson

New Applications

Cape Cod Organic Farm, 3675 Main Street, Barnstable, Map 317, Parcel 035

Installation of 48 Solar Photovoltaic Panels on Ground Mount

Represented by Conrad Geyser, Cotuit Solar

Mr. Geyser detailed the project proposed for 48 solar panels to be ground mounted. Pat Anderson asked for the dimensions and Mr. Geyser informed the Members that it would be approximately 30 feet wide by roughly 20 feet deep and 16 feet high. Chair Anderson noted that they would need exact measurements on the size of the structure. George Jessop would like to see a section drawing with fore pitch, aft pitch and back wall. Carrie Bearse asked what the mounts are made of and Mr. Geyser indicated they would be concrete. George Jessop asked if these could be painted green to disappear into the grass. Chair Anderson informed the applicant that they would require verified drawings, exact measurements and an exact location as to where the mounts are to be placed. Carrie Bearse asked if they could also have a side view drawing.

Motion duly made by Elizabeth Nilsson, seconded by George Jessop to Continue the Certificate of Appropriateness for Cape Cod Organic Farm at 3675 Main Street to August 11, 2010 at 7:00pm.

VOTE:

AYE: ALL

NAY: None
So Voted Unanimously

Simpson, George & Lisa, 75 Northwinds Lane, W. Barnstable, Map 109, Parcel 013-005
18'x22' Addition and New Deck

Represented by George Simpson

Mr. Simpson explained that they wish to construct an 18' x 22' addition and a new deck. Elizabeth Nilsson asked the dimensions of the deck and was informed 26.8' x 14'. Pat Anderson noted that the specification sheet indicates Azek trim and this Board does not approve this material. A discussion of alternate materials took place and the applicant will agree to change to pine. Carrie Bearse inquired if the windows would have exterior applied grills and the applicant indicated that they would agree to grills between the glass.

Motion duly made by George Jessop, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for George & Lisa Simpson at 75 Northwinds Lane for the addition and deck as shown on plans with changes of trim material from azek to pine or natural wood and windows to have grills between the glass.

VOTE:

AYE: ALL

NAY: None

So Voted Unanimously

Tyson, Alan & Margaret, 31 Doral Road, Cummaquid, Map 349, Parcel 039

Construct Shed Dormer on Rear of Home, Windows, Roofing, Siding

Represented by Alan & Margaret Tyson and Mark Grant, Contractor

Mrs. Tyson explained the project detailing the dormer, windows, roofing and siding. Dormer will have white cedar shingles to match siding on rear of home and the clapboard siding will be replaced to match existing. Carrie Bearse asked about grills on the windows and Mrs. Tyson replied that she would like Andersen 400 series with interior applied grills.

Motion duly made by Carrie Bearse, seconded by George Jessop to Approve the Certificate of Appropriateness for Alan & Margaret Tyson at 31 Doral Road as Submitted for shed dormer on rear of house, replace all windows with Andersen 400 series with owner's option of fixed interior or exterior grills, replace shingles and replace siding.

VOTE:

AYE: ALL

NAY: None

So Voted Unanimously

Lukas, Edmund & Frances, 381 Sandy Neck Road, W. Barnstable, Map 136, Parcel 011-002

Construct New Single Family Dwelling & Attached 2-Car Garage (Changes to Approved Plans)

Represented by Edmund Lukas and David Johnson, Contractor

Mr. Lukas explained that this Application has been before the Committee previously and is returning because there are many changes that do not allow for a Minor Modification Form to be file. The Committee reviewed revised plans dated 6/23/2010. There are changes in the window design and locations on the rear right and left elevations, the addition of a double door on the right elevation, additional chimney so that there will be two chimneys proposed, screen porch will be revised with slider doors rather than screening. All windows will have applied exterior grills.

George Jessop asked about the columns on the entryway and believes the re-design is not appropriate and would prefer to see the original Doric style columns. Mr. Jessop then asked about the railing infill on the 2nd floor balcony and Mr. Lukas indicated that it will be a traditional railing system, mahogany balusters 1 ¼ square.

Pat Anderson noted that the plans indicated white azek trim and reiterated the Committee's policy regarding azek. Mr. Lukas agreed to change to bodyguard wood.

Motion duly made by George Jessop, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Edmund & Frances Lukas at 381 Sandy Neck Road for Changes Submitted in plans dated 6/23/2010 as Modified to reflect all trim to be wood, not azek, window will have applied exterior grills, screen porch to be revised with a slider rather than screening and columns for front portico not be revised from the original Doric style and further that the addition of a chimney (for a total of two) be incorporated into the gable end.

VOTE:

AYE: ALL

NAY: None

So Voted Unanimously

Town of Barnstable/Meetinghouse Farm, 2135 Meetinghouse Way, W. Barnstable, Map 130, Parcel 012

Repair & Restore Shed at Rear of Greenhouse

Represented by Randall Swetish

Chair Anderson noted that this application needs to be signed by an authorized Town agent and staff indicated that this has been attempted. Carrie Bearse suggested that, if approved, the motion could include the contingency that Town approval is required.

Mr. Swetish detailed the project and indicated that he would prefer saving the building rather than taking it down and it was decided by the Meetinghouse Farm Board to try and restore and stabilize it. The sills are rotted as well as the bottom of the studs. They intend to cut off two feet on the bottom of the structure and repair, add two courses of concrete block in order to raise the foundation, re-roof, replace trim and fix the doors that are currently falling apart. The Members agree that the structure is in need of repair and that the materials presented are appropriate.

Motion duly made by Elizabeth Nilsson, seconded by Carrie Bearse to Approve the Certificate of Appropriateness for Meetinghouse Farm at 2135 Meetinghouse Way as Submitted to repair the frame of the building at the rear of the greenhouse. NOTE: Staff has received signature of approval from the Town Manger on Application.

VOTE:

AYE: ALL

NAY: None

So Voted Unanimously

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

7' x 14' Addition, One New Door and One New Window

Represented by Andrejs Strikis, Architect

Mr. Strikis commented that he appeared informally before this Committee previously and has incorporated the suggestions of the Board into this application. The Members reviewed the submitted plans of the addition which include a new window added and one new door which will be taken from the rear of the home and incorporated into the front elevation.

Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Michael & Patricia Henderson at 4428 Main Street as Submitted.

VOTE:

AYE: ALL

NAY: None

So Voted Unanimously

Certificate of Exemptions

Shea, Francis & Betty, 22 Abegale Snow Road, West Barnstable, Map 089, Parcel 011
Install Split Rail Fence

Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Exemption for Francis & Betty Shea at 22 Abegale Snow Road as Submitted.

AYE: ALL

NAY: None

So Voted Unanimously

Harden, Charles, 3264 Main Street, Barnstable, Map 299, Parcel 034
Install Split Rail Fence

Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Exemption for Charles Harden at 3264 Main Street as Submitted.

AYE: ALL

NAY: None

So Voted Unanimously

Minor Modifications

Carlson, Carl, 275 Old Jail Lane, Barnstable, Map 277, Parcel 020-001

Change of Material for Fencing around Pool

Represented by Carl Carlson

Mr. Carlson explained that he would like to change from the previously approved black chain link fence around his pool to a white vinyl fence and noted that the fence is located behind the house and can not be seen from the road. Pat Anderson explained that they do not approve vinyl fences and have denied other applicants. Mr. Carlson commented that approximately nine years ago he lived at another location and came before this Board and was approved for a vinyl fence at 275 Old Jail Lane. Carrie Bearse noted that this fence in wood would be approved and the remaining members of the board agree that wood is appropriate. Mr. Carlson stated that he would stay with the previously approved black chain link fence. This Application for a Minor Modification was procedurally withdrawn

Semple, Stephan, 76 Augusta National Drive, Cummaquid, Map 335, Parcel 013

Change of Material for Decking

Mr. Semple would like to change from approved Ipe wood to mahogany.

Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Minor Modification for Stephan Semple at 76 Augusta National Drive as Submitted.

AYE: ALL

NAY: None

So Voted Unanimously

Nickulas, Larry, 878 Oak Street, West Barnstable, Map 216, Parcel 006

Change location of Door (See Plan)

Revised plans submitted show change in location of door from the right side to the left side of the building.

Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Minor Modification for Larry Nickulas at 878 Oak Street as Submitted.

AYE: ALL

NAY: None

So Voted Unanimously

Approval of Minutes

Minutes of April 27, 2010

Motion duly made by Elizabeth Nilsson, seconded by George Jessop to Approve the Minutes of April 27, 2010 as Submitted.

So Voted Unanimously

Minutes of June 23, 2010

Motion duly made by George Jessop, seconded by Carrie Bearse to Approve the Minutes of June 23, 2010 as Amended.

So Voted Unanimously

Having no further business before this Committee, a motion was duly made by Carrie Bearse, seconded by George Jessop to Adjourn at 10:30pm.

Respectfully submitted,
Marylou Fair, Recording Secretary