

Town of Barnstable
Old King's Highway Historic District
MINUTES
Wednesday July 28, 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
Alternate Member Dorothy Stahley was present for Remanded Application of Stuborn LLC

Motion duly made Carrie Bearse, seconded by George Jessop, 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.

Remanded Applications

Stuborn, LLC, 153 Freezer Road, Barnstable, Map 301, Parcel 006

Construct New Single Family Home

Represented by Stuart Bornstein, Attorney Paul Revere, Architect David Sigl

Chair Anderson read into the record the following findings from the Old King's Highway Regional Commission. *The Commission finds that the Town Committee was erroneous in not being more specific in its rejection of the proposed building. The Town Committee and Applicant need to work together to develop a satisfactory size, height and mass configuration for the proposed dwelling and attached guesthouse.*

Chair Anderson noted that this is a whole new hearing and sitting on the application will be Carrie Bearse, Pat Anderson, George Jessop, Elizabeth Nilsson and Alternate Dorothy Stahley.

Attorney Paul Revere wished to enter into the record that his client objects to Ms. Anderson being on the Board for purposes of not being present at prior hearings. This is a remand application and we believe this incorporates prior discussions. However, with that said, obviously we are not going to resolve this tonight, Mrs. Anderson will participate by agreement and they will not try to resolve this tonight.

Attorney Revere stated that the Old King's Highway Regional Commission held a hearing of the Stuborn LLC Application. The Commission ultimately found the decision of the Committee not to be arbitrary and capricious and remanded it back. In the decision, and he had a long discussion with Mr. Wilson on this, I believe that the written decision fails to incorporate clear statements that were made by the Commission at the time regarding the comparison of the proposal to nearby adjacent property, be they residential or commercial. That is, the comparison to adjacent properties, not residential to residential and commercial to commercial.

Attorney Revere then presented a color rendering of the Plan of Land (Exhibit 1) with adjacent properties outlined. One of the original reasons for objection was size and one of the things brought before the Regional Commission and this Board is the size of various buildings on adjacent properties, in particular, Barnstable Marine Service building which has 3 large warehouse structures. It was also brought to the Commission, one of the points that they felt was absurd, is that where the old Freezer Building was located and the old Cannery building was located and the 4,000 square foot existing residence. His client had to fight for years to be able to tear down these buildings which totaled close to 40,000 square feet on the property and then to be told that a 10,000 square foot building is too big after having to fight to remove 40,000 square feet is, again absurd.

Detailing the Plan of Land, Mr. Revere pointed out the immediate structures surrounding the proposed site and what they are trying to show by overlaying on top of each of these surrounding structures is the footprint of the proposed house. They were able to place the footprint of the proposed Bornstein property into 3 of the Marine buildings. On the existing Freezer Point property itself, the proposed building fits inside the Freezer Building and it fits, although it has to be cut in half, fits inside the Cannery Building. The building is not particularly large compared to surrounding properties. He will not repeat the various building sizes but the proposal of Mr. Bornstein's compared to nearby commercial properties, it's immediate adjacent properties is not out of perspective and certainly he believes not out of perspective in size with residential properties, including the much discussed property on Rendezvous Lane which is 8,000 plus garage and full basement. With that said, he turned the discussion over to David Sigl, Architect who did make some revisions to the prior plans to address some of the issues that were raised of this Committee and the Regional Commission.

Mr. Sigl presented plan outlining the changes that have been made on a plan labeled Scheme 10. First, there was a lot of discussion and miscommunications regarding elevations of the building. We had meetings where people were looking at 59 feet, that's from sea level. The building has always been, in Scheme 9, 41'.6". In Scheme 10 what they have done is lowered the roof pitch and able to droop it 1'.5" and making the building 40'.1" at the main mast. In addition, the guest wing, as far as building height is concerned, has been reduced in size from 40 feet it is now 36 and it was 28 and now 26 which drops the roof height another 1'.4" in this area. If you back up one Scheme prior to this we dropped it 11.5, plus this, we dropped the whole guest wing a total of 13 feet since we had meetings.

Carrie Bearse asked to review again the total height of masses of the Main house and the guest wing.

Mr. Sigl remarked the Main House at the main ridge is 40'.1" and the guest house is 27'.6" from the first floor. In addition to that, by lowering the south side roof, the dormer that was across the front was a continuous shed in the 9th scheme, he shortened the dormer by setting back the dormer that was behind the guest wing and added a hip roof and lowered the eaves to bring that whole profile down. When you come around to the East side, the guest wing has shrunk, it has dropped 1'.4" and the dormer is in, the length between was 15 feet and he took 3 feet out of it which help drop that down. The main ridge has come down 1'.5" and added a wrapping 3 foot roof that is above the first floor windows, and taken the gable and punched it out about 18" to break that reveal up. Also this highest point that you see on the center of the North side, that roof was in line with the 41'.6" in the old scheme, he dropped that 2'.4" widened it and lowered it down to the eaves, as well as the lengths that are coming out on the 45's, he narrow their widths from 24 to 22 feet which naturally dropped the roof as well.

The two wings that protrude out they are actually 38.4 on these two ends, but there is a pool patio deck that makes it 2 feet shorter as it is lifted up to make it actually 36.4.

So that roof in the center where the dining room roof was lowered where is used to be in line with all the other roof lines, is 39.2. Talking strictly building heights now, they have gone from 1.4 drop from the main massing, 2.4 from dining room length, bringing this essentially to a 40.1 at its highest point. Lowered dormers and set them in a little bit, lowered eaves on second floor on south side which brought all of the eave lines down from what was originally submitted. As far as square footage, it has been reduced a total of 520 square feet from Scheme 9A to Scheme 10, plus the 200 they reduced from the original Scheme, so this house from these two schemes has dropped 720 square feet, not to mention the equipment and storage area when they lowered the entire guest wing.

Carrie Bearse asked for clarification on the total square feet.

Mr. Sigl, from Scheme to Scheme there is a 520 square footage reduction.

Pat Anderson asked what the total square footage, and Mr. Sigl, stated 9902 square feet. Jackie Etsten, Principal Planner, noted that this does not include garage which is the first floor, this total is living area, not a gross floor area.

Pat Anderson asked what the total would be if you include the garage? Mr. Sigl does not have that calculated on that level; he is going from habitable space to habitable space – 10,422 to 9,902.

George Jessop added that you have the first floor listed at 4200 so if you take the area just under the first floor there is another 4200 square feet of garage. Pat Anderson asked if you would add the 4200 to the 9902 and Mr. Sigl stated yes.

Mr. Sigl noted that the area is primarily mechanical storage and garage, and he believes that as far as square footage is concerned you should be looking at what they have prepared with Scheme 9A to Scheme 10 and the fact that this is on a much smaller square footage than what was on this property previously. The Guest Wing is 26x36, square footage of 15 feet was taken out and the wings came in 2 feet in order to lower all the roof lines.

Mr. Sigl then discussed windows. There has been discussion that 109 windows are too many windows for this house. He has reduced to 104 windows. If you were to count every single window that is what you will have. If you were to count joined mullied windows, there is about 40 sets of windows on this house. Clearly, most of the windows are on the water side. George Jessop commented that a pair of windows still counts as two windows.

Mr. Sigl would like to also point out that regarding the elevation is the discussions regarding the 50 foot building length and that it may, repeat may, need require a break in it according to the Bulletin. The original Scheme the Regional Board was talking about that 50 foot dimension of mass and they had a dormer that broke up that mass because that is a 60-70 foot roof. In this Scheme10, by reducing the height, as well as everything else he has discussed, he has introduced an element which is centered over the staircase to let light in which in addition will break up any discussions of if we have more than 50 foot of roof.

Pat Anderson asked what the length from the inside of the chimney to the outside of the end of the building? Mr. Sigl noted that it is 68 feet, but broken up with the light element. Pat Anderson asked if he feels that the cupola addresses the issue of breaking up the roofline and not stepping it back. Mr. Sigl noted that the Bulletin states the building length not roof ridge. He has broken up the 68 foot roof line with a light element that functions and again, the Bulletin states *may* need to be broken up.

Materials are the same as previously submitted with the exception of some windows on the back side of the house.

Attorney Revere had additional comments regarding gross building area and for some reason there seems to be an obsession with the parking area beneath the house as being somehow usable area. While, not disagreeing that it is area that is used, it is not, in his opinion, living area. They have spoken several times about the Degraan House at 56 Rendezvous Lane and by the Assessing information, that while it is an 8,000 square foot house, it, according to their calculations, has a gross building is 16,187 square feet.

George Jessop asked what the gross building area is of the proposed house.

Jackie Etsten pointed out that the numbers on the plans that say gross area but they are not gross area, to be equivalent of gross area and the Assessors would have to include the garage, area of the decks and underneath the porches. She is just technically pointing out that the figures which say gross floor area are not equivalent to the Assessors gross floor area by definition. The figures you are providing are closer to living area.

Mr. Revere wishes to point out to the Board that if we are going to start counting garages and basements, then there are buildings that are as big or bigger in this same neighborhood.

Carrie Bearse wished to note that Mr. Revere commented that the Applicant fought to remove the 40,000 square foot Cannery building and the square footage is irrelevant as it was the historical significance of the building that was of concern and the hold up for tearing that down. She does appreciate the changes that have been considered; however, her main concern has been and still is, the height, but specifically the rock and stone façade, which raises the whole mass of the building. To her it looks very "castle-ish" and she would not be opposed to seeing a separate garage on the property, but the rock/stone elevated garage area heightens the building in an unacceptable manner.

Also wished to know what the white area on the drawing for the east elevation where the oval window is indicated, and the Architect noted that he had left this blank, but it will be shingles.

Elizabeth Nilsson added that she feels the same as Carrie Bearse and that she has never seen a residence like this in the historic district and believes it is inappropriate.

Pat Anderson commented that she was at the Regional Meeting and listened to Regional and they were very specific in their remand in that they wanted this Board to provide the developer with guidance on what would be acceptable with regard to size, height and massing. For her to find a plan approvable, you would have to take the garage out from underneath and have it as a separate building, the guest house would need to be taken off the main house and have that as a separate building and that would reduce the height because the building as it is now is taller than the commercial buildings around it by about 10 feet. That would lower the height of the building, reduce the mass of the building and she believes this is one of the ways to get this project accomplished. By removing the guest wing this would eliminate the connecting corridor. She would like to see the applicant return with a plan that incorporates these changes where the garage is a separate building, the guesthouse as a separate building and by removing the guest wing this would eliminate the connector wing and that would lower the square footage.

George Jessop would like to add on behalf of himself the height of the building as proposed is at least 10 feet above the adjacent buildings which were surveyed by the Town Engineer and provided to them. Specifically, the buildings at 277 Mill Way, Map 301, Parcel 063-002 measures 25.2' above average ground height, 253 Mill Way, Map 300, Parcel 026 is measured at 23.3' above average ground height and 126 Freezer Road, Map 300, Parcel 021 is measured at 31.6' above average ground height. According to these drawings, this building is measured above ground height mounded at 40.1' nearly 10 feet above the tallest of the buildings and more than 15 feet above the shortest, so this will not only be clearly visible from the water but from anywhere you are around it. The building itself we have been back and forth and we have made a number of comments and they have been taken into consideration and incorporated many of these ideas and he believes the structure is better because of it. However, the fact that it sits on top of a stone foundation that is 10 feet high is visually excessive. If the building was set to grade without the garage underneath it, totally above grade he believes the design would be much more acceptable. Not to say that there could not be any stone foundation, just that the entire garage area if it is to be under the building should be below grade or at least finished grade. That would give a possible three foot stone foundation for the perimeter patio which, to him, would be acceptable. A separate garage structure would also be acceptable to him.

The materials were acceptable with the exception of the Azak that is proposed for the trim. The color and other materials have been accepted by this Committee with, again, the exception of any plastic materials.

Dorothy Stahley, as an Alternate wished to comment that this is a beautiful design that is married to the land. It is a classically beautiful home, but when you put that foundation under the home it takes away from it. She agrees with a separate garage and a separate wing.

Chair Anderson then opened the Meeting to Public Comment

Dave Munsell of Barnstable Village spoke in favor of the Applicant and noted that this will be a family home and who can say how big is big. Believes applicant should be able to build this home.

Craig Schelter of Barnstable spoke of this Board's suggestions and believes the stone foundation, for him, speaks Newport not Barnstable and this is what makes it out of place. Also the bay windows are much larger than what you would normally have and appreciates the reduction at the gable end as this is an improvement. Believes that separating the garage and guest wing would help bring this project forward.

Ann Canedy, Town Council Liaison would like to add a few things for the record. She has reviewed the parcel list that Mr. Revere spoke about and the issue here is, over and over again, the applicant and others talk about gross square footage and then talk living square footage and mix the two together when comparing one house. The list provided shows a lot of houses that have comparable or larger gross square footage than the living space of proposed structure, but none have larger living spaces. Degrann house has 8075 square feet of living space, according to assessor's records and submits the parcel information into the record. (Exhibit 2) this is considered a large home on a parcel that does stick out on the shoreline.

Ms. Canedy submits for the record a list of residences in the area (Exhibit 3). Presented information on the Walton Home located at 139 Freezer Road, an immediate residential neighbor and that is 972 square feet living area ,gross square footage is 1180 (Exhibit 4). There is a residence at 126 Freezer Road which is a two story salt box and is listed with the Assessors as 1,320 square feet living area and 1,552 square feet gross area (Exhibit 5). Ms. Canedy submitted a map from GIS that indicates these surrounding residences (Exhibit 6). There was also a

discussion at Regional regarding 88 Mill Lane in Yarmouth that is on the shoreline and very visible and very large is listed with the Town of Yarmouth Assessor's records as 7,551 square feet of living space on 18.95 acres. (Exhibit 7) and compare this to the proposed structure of 9902 square feet of living space on 7 acres.

Next, Ms. Canedy discussed commercial building in the immediate area and submitted a second overlay map from GIS indicating these buildings (Exhibit 8). The Act specifically states that you should consider settings as well as relative size of building and structures. When comparisons are made by the applicant to the Barnstable Marina Service, Mill Way Marina, the Blair Building and Mattakeese these comparisons are being made of a residential structure to a commercial building in a zoned commercial setting. It is a different setting. Also talked about elevations and the different buildings. 277 Mill Way is the Blair Building and is a special permitted use and she submitted Assessor information (Exhibit 9) and the living area is 6,304 and gross area square footage is 7,976, and is on .82 acres. Next she submitted information on Mattakeese Wharf from the Assessor's records which lists living area square footage as 4,760 and gross area square footage as 6,517 and this is a Restaurant and a special permitted use. (Exhibit 10) Mill Way Marina is 23.5 feet above ground and 2,600 square feet of living and gross area (Exhibit 11).

Barnstable Marine Service which has been talked about can not be seen from Freezer Road, can't see it from the proposed dwelling and you can't see it from the harbor and it is still not as tall as the proposed residence. This building sits 31.6 feet above average ground height and has 17,320 of living and gross area according to the Assessor's records (Exhibit 12) but has four roof lines of four buildings married together. This was built pre-Old King's Highway and if built today would be referred to the Cape Cod Commission as a Development of Regional Impact. The other building at Barnstable Marine Service which is the closest to Mr. Bornstein's proposed house and that has a huge 17 foot steel door and this is the building you see when you come into the Harbor and is 8.080 gross area square footage according to Assessor's records (Exhibit 13).

Finally, she discussed grading and height. There has been much discussion on varying differences of above ground level, mean water level, grade before mounding, grade after mounding. By her calculations, the natural grade on the south side is 14 feet, which the Barnstable Marine Service is on, natural grade. Then you add 3 feet of mounding and 8 feet of retaining wall and 10 feet for the first floor and all that would be 21 feet. Barnstable Marine Service is at 25 feet. Then you add another 10 feet for the second floor and another 11 feet for the peaked roof so that is an additional 21 feet higher than the Barnstable Marine at that same location. She also submitted three photos of the lot taken at high tide from the water (Exhibits 14, 15 & 16) and photos indicate that it is a point on the Harbor and will be seen from the Harbor. We need to eliminate confusion with living space versus gross area and this building will be taller than commercial building.

Albert Barbour of Barnstable has heard individual member's thoughts and wished to know if there is a consensus of the Board.

Tim Williams of Barnstable noted that he has heard quite a lot about setting in terms of size and wished to know what the target is and how many hoops does Applicant have to jump through. Hopes this Board will give specifics to the applicant so that he has a clear understanding of what he needs to do.

Louis Cataldo of Barnstable spoke on the aesthetics on the house and he believes what he sees in the plans would make the area an improvement rather than what is there now.

Stuart Bornstein spoke next and stated that when they design something, they look at the building codes. The building code allows them, under the zoning laws, to mound up that lot and build a wall around it whether you like it. But this is what the building code says he can do and they recognize this and because of where it is located and the topography, this is what we had to do with the Conversation. We went five or six times to Conversation and gave them back 40,000 feet of clean up. He's spent almost \$800,000 in work there before even taking title of it. Cleaning up the oil tanks, cleaned up all that stuff that was going on in the 40's and 30's and 20' and will spend even more money to make it more pristine. Height should not be an issue. This is what is allowed, by right, according to the town building code. This Committee may not be happy with it, but that is what the law says he can do. He is not happy with what Conversation has made them design, shrink, modify where it is located, but he had to live within that purview, same way this Board has to live with the purview that he has a right to mound and put that house up higher or put the house underneath the garage. That is allowed and it shouldn't be used as a torch to carry around and say you're not going to approve it. These plans were available two weeks before this meeting

and everything we said here didn't matter because the Members minds were made up before he even got here, and it is wrong.

He believes the Board is not doing what is right and has let personal feelings come in when making decisions they have been charged with.

Bill Silverstein of Dennisport commented that he has never seen so much energy taken on square footage of a building and if it is gross or living area. Urges the Board to be clear and make specific suggestions and reason for the inappropriateness so that the applicant can address these specific issues.

Marci Dugas of Barnstable spoke in favor of the applicant as she has done many times during these hearings. The Freezer buildings as she noted in the past were part of her heritage, and she was an active participant to protect that property. but they are gone now. The Act did not work in protecting this property. Believes Mr. Bornstein should be allowed to build his home the way he wants.

Chair Anderson asked if there was anyone else who wished to speak, and hearing none, closed the Public Comment.

Architect David Sigl wished to clarify about a comment made during Public Hearing that the elevation heights going up and down. It has always been a base of 18 feet.

Attorney Revere wished to read and enter into the record a Letter received from John Julius of Hyannis (Exhibit 17) supporting the applicant and stating that he believes the proposed home will beautify the surrounding area and enhance home values.

Chair Anderson suggested that to give Mr. Bornstein direction she will poll the Board so that he knows where the members on the board stand on this project.

Chair Anderson stated that she believes she has made her decision clear. To have that high rock wall around the building and the exposed foundation is not an acceptable design feature. It is incongruous. She would like to see the garage pulled out below it and lower it and would like to see the guest wing separate as a way to reduce the mass and scale. It will also reduce the overall mass if you have the guest house separately.

Carrie Barse stated as she spoke earlier, the new design is appropriate and her concern is the height of the house compared to the buildings around it. The rock wall or stone foundation, if lowered significantly, this could be an approvable design.

George Jessop stated the one element that is incongruous is the garage base. The idea of the perimeter patios, the incorporation of the stone piers with the column bases and the stone exposed to grade to no more than 30" sets this house on a substantial perimeter similar to most waterfront house. It has a classic style at that point and the only thing that takes away from this house is the large stone base. The bottom at 6.7 and when you cut it off and look at the foundation without that, the house has a very familiar profile to it. If it sat on grade at that point it would be a little more than 30 feet high and would be comparable to the tallest of the three storage buildings adjacent to this property. The area of land associated with this house if it is considered floor area ratio would put this house well in perspective of the neighborhood to the west. A garage structure that contains 7 vehicles would be a very large structure, but it is not the number of structures on the lot, but the height. 17 feet is the minimum for flood resistance and believes that is what the garage was designed for. The guest house could then be set at a similar grade to the main house and would be much more usable as it relates to the main house as the two first floors would be on the same elevation. Does not see why the garage can't be connected by a secure passageway for reasons Mr. Bornstein previously spoke about for having the garage under the house. The house itself he very much likes and previous discussions with the Architect have been well received and hopes these deliberations could result in changes being made.

Elizabeth Nilsson stated that she very much agrees with everything each of the members has said and couldn't agree more with George Jessop. The height and the stone foundation are not appropriate.

Jackie Etsten wished to note a minor point that when the new plans were submitted there was not a specification sheet and asked if the applicant wished to submit anew one or utilize the old specification sheet. Pat Anderson noted that the azek materials indicated were not appropriate and has been previously discussed.

Chair Anderson asked if Attorney Revere wished to continue the Application to give him an opportunity to discuss this with Mr. Bornstein and Mr. Bornstein indicated he did not wish a Continuance. Chair Anderson confirmed with Attorney Revere that he did not want an opportunity to discuss this and Mr. Revere noted that, yes, Mr. Bornstein would like to discuss it with the Board.

Mr. Bornstein stated that they could substitute the stone with something else, but he needs the height. Conservation told them very specifically what they could use and what they could not use and went to a lot of pain to get what they have now. There is no room for the garage except for underneath the house. It is not 7 cars, it is 3 cars. If they do not like the fieldstone, they can come up with something else, but he can not change the way the building is sitting.

Chair Anderson indicated that her understanding from ConCom is the only thing they require, it that you not be in the 50 foot buffer zone.

Mr. Bornstein added if you look at where they have the property; it has been locked in, registered, signed off and recorded. He needs the garage under the building.

Carrie Bearse asked if they would like to continue so that they can do another configuration and include another presentation with the shingles down.

Mr. Bornstein asked if they were to agree tonight to substitute something other than fieldstone that the board would be more favorable, but keep the same physical structure they have now.

Chair Anderson noted that it is not the material; it is the height that is part of the issues.

Mr. Bornstein stated that he is building to the town building code and is allowed.

Chair Anderson stated that the building code is over the whole town, this Board has jurisdiction over the Old King's Highway and they can say it is not appropriate for that to be so high, using that stone wall and understand that the Town may allow this in other areas, but it is no guarantee that you have the right to do this in the Old King's Highway.

Mr. Bornstein stated that the Old King's Highway may not be happy with it, but this is what is allowed in the building code.

Chair Anderson asked if they would like to continue and Attorney Revere stated that they would not and would like the board to vote on it.

Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for 153 Freezer Road for Stuborn LLC as Submitted.

VOTE:

AYE: None

NAY: Anderson, Bearse, Jessop, Nilsson

Motion fails to carry by a vote of 0-4

Note: Alternate Member Dorothy Stahley excuses herself from the remainder of the Meeting.

Continued Applications

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

Construct New Single Family Home, Garage/Barn

(Continued from June 09 & July 14, 2010)

Applicant has requested Continuance to August 11, 2010

Extension of Time Limits Form extended to 8/15/2010

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

Installation of 48 Solar Photovoltaic Panels on Ground Mount

(Continued from July 14, 2010) – **Applicant has requested Continuance to August 11, 2010**

Extension of Time Limits Form extended to 8/30/2010

New Applications

Carr, Robert & Elmer, Kenneth, 185 Indian Hill Road, Barnstable, Map 318, Parcel 039

Replace Clapboard Siding w/Shingles, New Front Door, Gutters, 2 New Windows, Shutters

Mr. Kenneth Elmer Representing

Mr. Elmer explained that the clapboard is rotting and wishes to change to cedar shingles. In addition there are no sills on some of the windows and is applying to add them and paint the shutter antique black. He would also like to replace the front entrance door with a more traditional and add two small windows on either side of the entryway.

George Jessop commented that the proposed door is if the arts and craft style and asked what they plan on doing with the casing around the door. Mr. Elmer indicated that they will fill in with shingles. Carrie Bearse noted that the current door is of a similar style and this is an upgrade to what is existing. Mr. Elmer explained that the two new casement windows will have grills on the interior and added that there are no grills on any of the lower level windows and snap in grills on the upper level.

Elizabeth Nilsson asked where the shutters will be placed and Mr. Elmer indicated that shutters will be on all 7 windows on the front and the dormer as well.

Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Robert Carr & Kenneth Elmer at 185 Indian Hill Road as Submitted and Modified that the two new windows on either side of entrance be without grills as an exception as the windows on the house only have grills on the upper floor.

VOTE:

AYE: Anderson, Bearse, Nilsson

NAY: Jessop

Motion Passes 3-1

Kosman, Thomas & Weil, Ruth, 20 Sheep Meadow Road, 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 is proposing to add a deck and two stairways to the back of the house. He stated that he found it hard to follow the recommendations of the guidelines. This is not visible from any public way. The deck will go out 10 feet at the rear of the house and the windows and doors are all in keeping with the neighborhood. When filing the application he noted that he reviewed the alternate materials to azek and was told that he could apply for it, but was advised that this Commission has not been approving it. He previously had a deck that rotted and when he asked contractors over and over for maintenance free material, the answer he received as this composite. He also has personal reasons for wanting a maintenance free decking. Again, it can not be seen from any public way.

George Jessop explained that one of the reasons for staying with traditional materials is that they know how long they last. Composite materials behave differently and it takes internal framing. Brad Sprinkle commented that he did not believe it needed internal framing and George Jessop clarified that he was talking about the railing. Mr. Sprinkle agreed, however, there are two different ways to frame the railing and a discussion took place on both. George Jessop noted that there is an alternate to the plastic coating called BodyGuard that comes pre-finished and pre-painted and has a 30 year warranty. Mr. Sprinkle added that both bodyguard and azek need to be painted and neither allows the paint to go all the way through.

Jackie Etsten suggested the Commission offer other acceptable materials and Chair Anderson stated that mahogany, southern pine or any natural wood would be acceptable. George Jessop also added the product Ipe would be acceptable.

Ann Canedy, Town Councilor and OKH Liaison commented that when she went through this process, her contractor suggested azek and discovered that it was not an acceptable material. She went with pre-treated

mahogany and her contractor informed her that it will be almost maintenance free and if you chose not to treat it again, it fades to a natural gray.

Mr. Kosman stated that he has no problem with changing the decking material, but does want azek for the railing system. Believes he could have gone for the exemption as this can not be seen from a public way, but wanted the approval of this board. Mahogany for the decking would be acceptable to applicant.

Chair Anderson commented that even though it is on the back of the house, once you start a precedent of accepting this material, it then next thing it is on the front of the house and you are inundated with it.

Carrie Bearse asked if the lattice would be wood and Mr. Kosman asked for a brief recess to discuss options for railing system and lattice with his Contractor, Mr. Sprinkle and the next application was reviewed in their absence.

Applicants return and Mr. Sprinkle asks that the BodyGuard be accepted with the understanding that if there is a large financial difference then the applicant may return and review alternate materials at no additional cost to him, the lattice be accepted as painted pressure treated wood and that they switch azek decking to 1x4 mahogany decking.

Jackie Etsten added that they may want to consider red cedar lattice as she once had pressure treated lattice and in time algae appears and it begins to turn green.

Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Thomas Kosman & Ruth Weil at 20 Sheep Meadow Road with Modifications as agreed by Applicant as follows: BodyGuard for Railing System and if significant financial difference, Applicant be allowed to return at no additional cost to discuss alternatives, Lattice to be painted pressure treated wood or red cedar, decking will be mahogany.

VOTE:

AYE: ALL

NAY: None

So Voted Unanimously

Richardson, Craig, 64 Maushop Avenue, Barnstable, Map 298, Parcel 096

Replace 11 Windows, Replace & Change Paint Color of Clapboard, Change of Trim Color

Represented by Phil Miller, Contractor

Mr. Miller noted that they will be replacing 11 windows, Andersen white with grills between the glass. Will replace trim exactly as is around the window in a wood pine. A casement window will also be replaced with the same size and configuration. The Paint color was reviewed (Annapolis gray for the clapboard and sail cloth for the trim). Mr. Miller estimates that 50% of the house will require clapboard replacement.

Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Craig Richardson at 64 Maushop Avenue as Submitted

VOTE

AYE: ALL

NAY: None

So Voted Unanimously

Minor Modifications

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

Change Style of Garage Door (From Flush to Coachman Collection)

Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Minor Modification as clarified: If the transom is not to be replaced as submitted, if the transom is to be replaced, Model #SQ24

VOTE:

AYE: ALL

NAY: None

So Voted Unanimously

NOTE: Staff has clarified that the transom is not to be replaced

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

Change of Railing Design from 3' railing to 5 ½' Privacy Screen made of mahogany

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

VOTE:

AYE: ALL

NAY: None

So Voted Unanimously

Payson, Raymond & Lois, 110 Commerce Road, Barnstable, Map 319, Parcel 041

Reverse Window/Door right elevation, Change Shutter Color from Blue to Black Forest Green

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

VOTE:

AYE: ALL

NAY: None

So Voted Unanimously

Correspondence Received

Mass Highway Dept Ltr dtd 6/9/2010 re: Project Change Intersection Rte 149 & Rte 6

Having no further business before this Committee, a motion was duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Adjourn 9:35pm.

Respectfully submitted,
Marylou Fair, Recording Secretary