

Town of Barnstable
Old King's Highway Historic District Committee
APPROVED MINUTES
Wednesday, January 24, 2018, 6:30pm

BARNSTABLE TOWN CLERK

2018 FEB 8 am 10:46

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 at the West Barnstable Community Building, 2377 Meetinghouse Way, West Barnstable on the following application:

Paul Richard, Chair	Present
Carrie Bearse, Clerk	Present
George Jessop, AIA	Present
David Munsell Jr.	Present
Lesley Wallace	Present
Ellen Merritt, Alternate	Absent
Polly Brazelton, Alternate	Present <i>but not voting</i>

A quorum being met, Chair Richard called the hearing to order at 6:32 pm. The Chair explained the hearing and appeal process and invited the public to address the Committee and view the plans of interest when the application is called.

APPLICATIONS

Tryon, Mary Ann, 6 First Way, Barnstable, Map 301, Parcel 050
Demolish single car garage

Represented by: Steve Cook, Mary Ann Tryon
Abutters: None present

Cook gives a description of the project.

Motion duly made by David Munsell, seconded by George Jessop to Approve the Certificate of Appropriateness (Exhibit A) for Mary Ann Tryon, at 6 First Way, Barnstable, Map 301, Parcel 050 to demolish a single car garage as indicated on the plans submitted.

So Voted: Aye, unanimous

Tryon, Mary Ann, 6 First Way, Barnstable, Map 301, Parcel 050
Construct 1 ½ story garage

Represented by: Steve Cook
Abutters: None Present

Cook describes the project. Construct a new garage with a second story to match house. He also notes the flood vents in the garage.

Bearse asks how much taller the garage is over the existing house. Cook replies that it is about 4 feet higher.

Munsell confirms with Cook that the railing material is clad with azek.

Munsell asks if there will be risers on the steps or can you see through them. Cook notes they will have a backing due to code.

Jessop suggests a difference of materials. Cook notes he will be using flood resistant materials below the flood elevation.

Jessop does not feel the shingling at the foundation is appropriate. Jessop suggests concrete.

Bearse and Chair Richard feel shingling is appropriate.

Motion duly made by Carrie Bearse, seconded by David Munsell, to Approve the Certificate of Appropriateness (Exhibit B) for Mary Ann Tryon, at 6 First Way, Barnstable, Map 301, Parcel 050 to construct a 1 ½ story garage as indicated on the plans submitted.

Approved 2/7/18

So Voted: Aye, unanimous

Chair Richard gives a description of the process to the audience. Noting the order will be the applicant, abutters, board members.

133 Sunset Ln Acquisition Limited, 133 Sunset Lane, Barnstable, Map 319, Parcel 022
Installation of sign no. 1

Represented by: Attorney John Kenney

Abutters: Bill Quinn, Jr., Fred Tirrell, Frank Andryauskas, Marcy Dugas, David Alberese, Ed Cosgrove, Anthony Densieski, Yvonne Coursey

Kenney gives a history of the property and how the signs came to be. Noting the Town Attorney, a Town Council member and BPD all confirmed that he could install the signs for safety. The applicant was not aware that he needed okh approval. Subsequently Kenney met with Bldg Commissioner. Also it was the advice of the regional attorney to file separately.

Kenney describes the sign; color, material and size. He notes the posted location and mentions the easement. Noting the signs are posted at the entrance points of the property.

Chair Richard clarifies the location of sign no. 1.

Jessop asks what the bottom sign says. Kenney notes the sign in question is the next sign.

Bearse comments on common signs and notes that she does not feel numerous signs are appropriate. Further we are not concerned with the legality or wording. One no trespassing sign is appropriate.

Kenney responds that the signs are posted at points of entry to the property. He refers to MGL. It has to say no trespassing to enforce no trespassing in the commonwealth.

Jessop stated they have the right to put the sign at the point of entry. There is MGL that states you do have a right below the water mark to traverse the property.

Kenney responds that is why the signs are upland.

Munsell refers to the bulletin wherein desirable vs. undesirable signs are noted. Kenney responds that is out of context.

Abutter, Bill Quinn is in opposition; he recites portions of the Old King's Highway Act. Quinn questions where the property line is.

Attorney Kenney comments that comments should be kept to the purview, size, design, color.

Abutter, FredTirrell speaks up in opposition to the signs.

Abutter, Miriam Kronish is in opposition to the signs.

Chair Richard addresses the room and asks that comments be kept to the purview of the committee noting that the committee does not deal with deeded beach rights or use.

Abutter, Frank Andryauskas comments that the appearance, language and numbers of signs is inappropriate.

Abutter, Marcy Dugas agrees with previous speakers, she too is opposed as they look too commercial and there are too many signs.

Abutter, David Albrese, also agrees with previous speakers, the signs are visually inappropriate and confusing.

Abutter, Edward Consgrrove is in opposition.

Abutter, Mary Ann Tryon is in opposition.

Anthony Desnieski comments on the name on the application. Request that the applications be denied until an accurate application can be submitted. He feels the number of signs is inappropriate.

Approved 2/7/18

Kenney noted that the name matches the Assessors record. There is discussion about the purview of the committee.

Chair Richard comments that he spoke with Regional Attorney Jim Wilson and the property owner has the right to post their property. Further the right to post is at every entry point. We should not limit the amount of signs.

Bearse comments that the purview is the setting and look of the sign. There is no reason for more than one sign on that property ever; adding that metal signs on a metal post is not appropriate. Perhaps a wooden no trespassing sign is appropriate.

Kenney comments that the committee would be in violation of Mass General Law [should they deny these signs].

Wallace comments that she went down to the property. Her problem is the color and the language is redundant, she does not like the metal. She understands the right to post a property. The signs on the street are located in a spot that makes it look like the property is private and should not be used. She objects to the look and does not like the color. She is for the right to post.

Jessop comments that you have seen no trespassing signs on trees that are spread out, the reason is to limit liability. The property needs a simple no trespassing sign. The red on white is associated with a regulatory sign. Jessop feels there is a more appropriate way to post this property.

Munsell comments that the colors and materials are inappropriate.

Kenney asks to respond. He refers to the signs and their signs. He feels the square footage is appropriate. There are people who do not live in the neighborhood that do use this beach. The applicant is entitled to post at the entry of the property. Wood signs are a stretch at the beach. There is no dispute over beach rights.

Yvonne Coursey (141 Sunset) comments that there is an issue with dogs at the beach; the dog issue is out of control. The police have told her to post on her property. She understands the signs are not attractive.

Motion duly made by George Jessop, seconded by David Munsell to Deny the Certificate of Appropriateness (Exhibit C) for 133 Sunset Ln Acquisition Limited, at 133 Sunset Lane, Barnstable, Map 319, Parcel 022 to install a 12"X18" aluminum sign as indicated on the plans submitted

So Voted: Aye, unanimous

Bearse asks Attorney Kenney if he would like an opportunity to continue one of the applications for a single no trespassing sign. Attorney Kenney declines this offer noting that there needs to be a sign at each point of entry.

133 Sunset Ln Acquisition Limited, 133 Sunset Lane, Barnstable, Map 319, Parcel 022

Installation of sign no. 2

Represented by: Attorney John Kenney

Abutters: Bill Quinn Jr., Fred Tirrell,

Kenney describes the sign and location.

Quinn comments that the Act supercedes the law.

Bearse comments that she feels each sign is inappropriate and it is wasting time to discuss each sign.

Kenney notes there are three locations on this property and reiterates the need for multiple signs.

Wallace asks about the signs; could there be three locations with one sign.

There is a discussion about the rights of the signs and why they are posted.

Motion duly made by George Jessop, seconded by Carrie Bearse to Approve the Certificate of Appropriateness (Exhibit D) for 133 Sunset Ln Acquisition Limited, at 133 Sunset Lane, Barnstable, Map 319, Parcel 022 to install a 12"X18" aluminum sign (no. 2) as indicated on the plans submitted.

So Voted: Nay, unanimous

133 Sunset Ln Acquisition Limited, 133 Sunset Lane, Barnstable, Map 319, Parcel 022

Approved 2/7/18

Installation of sign no. 3

Represented by: Attorney John Kenney

Abutters: Glenn Write

There is discussion about the location of the signs.

Write does not feel that the beach is filled with strangers.

Motion duly made by Carrie Bearse, seconded by George Jessop to Approve the Certificate of Appropriateness (Exhibit E) for 133 Sunset Ln Acquisition Limited, at 133 Sunset Lane, Barnstable, Map 319, Parcel 022 to install a 12"X18" aluminum sign (no. 3) as indicated on the plans submitted.

So Voted: Nay, unanimous

133 Sunset Ln Acquisition Limited, 133 Sunset Lane, Barnstable, Map 319, Parcel 022

Installation of sign no. 4

Represented by: Attorney John Kenney

Abutters: Refer to previous abutter comments

Kenney describes the location of the sign and aesthetics of the sign.

Bearse responds that the materials and color are inappropriate.

Motion duly made by Carrie Bearse, seconded by George Jessop to Approve the Certificate of Appropriateness (Exhibit F) for 133 Sunset Ln Acquisition Limited, at 133 Sunset Lane, Barnstable, Map 319, Parcel 022 to install a 12"X18" aluminum sign (no. 4) as indicated on the plans submitted.

So Voted: Nay, Unanimous

133 Sunset Ln Acquisition Limited, 133 Sunset Lane, Barnstable, Map 319, Parcel 022

Installation of sign no. 5

Represented by: Attorney John Kenney

Abutters: Refer to previous abutter comments

Kenney describes the location of the sign.

Bearse responds that the sign aesthetics are inappropriate.

Motion duly made by Carrie Bearse, seconded by George Jessop to Approve the Certificate of Appropriateness (Exhibit G) for 133 Sunset Ln Acquisition Limited, at 133 Sunset Lane, Barnstable, Map 319, Parcel 022 to install a 12"X18" aluminum sign (no. 5) as indicated on the plans submitted.

So Voted: Nay, unanimous

133 Sunset Ln Acquisition Limited, 133 Sunset Lane, Barnstable, Map 319, Parcel 022

Installation of sign no. 6

Represented by: Attorney John Kenney

Abutters: Refer to previous abutter comments

Kenney describes the location and aesthetics of the sign.

Jessop responds that the materials are appropriate for weathering but not for this area.

Motion duly made by Carrie Bearse, seconded by Lesley Wallace to Approve the Certificate of Appropriateness (Exhibit H) for 133 Sunset Ln Acquisition Limited, at 133 Sunset Lane, Barnstable, Map 319, Parcel 022 to install a 12”X18” aluminum sign (no. 6) as indicated on the plans submitted.

So Voted: Nay, unanimous

133 Sunset Ln Acquisition Limited, 133 Sunset Lane, Barnstable, Map 319, Parcel 022
Installation of sign no. 7

Represented by: Attorney John Kenney

Abutters: refer to previous abutter statements

Kenney describes the location and aesthetics of the sign.

Bearse comments that the size, material and number of signs is inappropriate.

Motion duly made by Carrie Bearse, seconded by David Munsell to Approve the Certificate of Appropriateness (Exhibit I) for 133 Sunset Ln Acquisition Limited, at 133 Sunset Lane, Barnstable, Map 319, Parcel 022 to install a 12”X18” aluminum sign (no. 7) as indicated on the plans submitted.

So Voted: Nay, unanimous

133 Sunset Ln Acquisition Limited, 133 Sunset Lane, Barnstable, Map 319, Parcel 022
Installation of sign no. 8

Represented by: Attorney John Kenney

Abutters: refer to previous abutter statements

Kenney describes the location and type of sign.

Bearse comments that the sign material is inappropriate for the area.

Motion duly made by Carrie Bearse, seconded by Lesley Wallace to Approve the Certificate of Appropriateness (Exhibit J) for 133 Sunset Ln Acquisition Limited, at 133 Sunset Lane, Barnstable, Map 319, Parcel 022 to install a 12”X18” aluminum sign (no. 8) as indicated on the plans submitted.

So Voted: Nay, unanimous

MSSI 105 Sunset Ln Property, 105 Sunset Lane, Barnstable, Map 301, Parcel 029
Installation of sign no. 1

Represented by: Attorney John Kenney

Abutters: Refer to previous abutter statements

Kenney gives a description of the location and style of the sign.

Bearse offers Kenney an option to continue the signs to see if they wish to reapply with a more appropriate sign.

Jessop confirms that this property has a right-of-way on both sides of the property.

Bearse comments the number of signs is inappropriate.

Motion duly made by Carrie Bearse, seconded by Lesley Wallace to Approve the Certificate of Appropriateness (Exhibit K) for MSSI 105 Sunset Ln Property, at 105 Sunset Lane, Barnstable, Map 301, Parcel 092 to install a 12”X18” aluminum sign (no. 1) as indicated on the plans submitted.

So Voted: Nay, unanimous

MSSI 105 Sunset Ln Property, 105 Sunset Lane, Barnstable, Map 301, Parcel 029
Installation of sign no. 2

Approved 2/7/18

Represented by: Attorney John Kenney
Abutters: Refer to previous abutter statements

Kenney describes the sign and its location.

Motion duly made by Carrie Bearse, seconded by Lesley Wallace to Approve the Certificate of Appropriateness (Exhibit L) for MSSI 105 Sunset Ln Property, at 105 Sunset Lane, Barnstable, Map 301, Parcel 092 to install a 12"X18" aluminum sign (no. 2) as indicated on the plans submitted.

So Voted: Nay, unanimous

MSSI 105 Sunset Ln Property, 105 Sunset Lane, Barnstable, Map 301, Parcel 029
Installation of sign no. 3

Represented by: Attorney John Kenney
Abutters: Refer to previous abutter statements

Kenney describes the style and location of the sign.

Bearse responds that the number of signs and materials are inappropriate in the setting.

Motion duly made by Carrie Bearse, seconded by David Munsell to Approve the Certificate of Appropriateness (Exhibit M) for MSSI 105 Sunset Ln Property, at 105 Sunset Lane, Barnstable, Map 301, Parcel 092 to install a 12"X18" aluminum sign (no. 3) as indicated on the plans submitted.

So Voted: Nay, unanimous

MSSI 105 Sunset Ln Property, 105 Sunset Lane, Barnstable, Map 301, Parcel 029
Installation of sign no. 4

Represented by: Attorney John Kenney
Abutters: No further abutter comment

Kenney describes the sign style and location.

Bearse comments that the number of signs and materials are inappropriate in this setting.

Motion duly made by Carrie Bearse, seconded by Lesley Wallace to Approve the Certificate of Appropriateness (Exhibit N) for MSSI 105 Sunset Ln Property, at 105 Sunset Lane, Barnstable, Map 301, Parcel 092 to install a 12"X18" aluminum sign (no. 4) as indicated on the plans submitted.

So Voted: Nay, unanimous

CERTIFICATE OF EXEMPTION

Kaupp, Clement & Jennifer, 2864 Main Street, Barnstable, Map 279, Parcel 010

Construct 22'X12' deck off rear of home, replace remove door, install French door, replace windows

Motion duly made by Carrie Bearse, seconded by David Munsell, to Approve the Certificate of Exemption (Exhibit O) for Clement & Jennifer Kaupp, of 2864 Main Street, Barnstable, Map 279, Parcel 010, to construct a 22'X12' deck as indicated on the plans submitted.

So Voted: Aye, unanimous

DeFelice, Vincent, 2641 Main Street, Barnstable, Map 258, Parcel 044
Install roof mounted solar panels on rear facing roof dormers, flush mounted

Motion duly made by Carrie Bearse, seconded by David Munsell, to Approve the Certificate of Exemption (Exhibit P) for Vincent DeFelice, of 2641 Main Street, Barnstable, Map 258, Parcel 044, to install roof mounted solar panels as indicated on the plans submitted.

So Voted: Aye unanimous

OTHER

APPROVAL OF MINUTES:

Having no further business before this Committee, meeting is adjourned at (8:45pm)

Respectfully Submitted,
Erin K. Logan

Exhibit A	Certificate of Demolition	File 301/000/050
Exhibit B	Certificate of Appropriateness	File 301/000/050
Exhibit C	Certificate of Appropriateness	File 319/022/000 – Sign No. 1
Exhibit D	Certificate of Appropriateness	File 319/022/000 – Sign No. 2
Exhibit E	Certificate of Appropriateness	File 319/022/000 – Sign No. 3
Exhibit F	Certificate of Appropriateness	File 319/022/000 – Sign No. 4
Exhibit G	Certificate of Appropriateness	File 319/022/000 – Sign No. 5
Exhibit H	Certificate of Appropriateness	File 319/022/000 – Sign No. 6
Exhibit I	Certificate of Appropriateness	File 319/022/000 – Sign No. 7
Exhibit J	Certificate of Appropriateness	File 319/022/000 – Sign No. 8
Exhibit K	Certificate of Appropriateness	File 301/029/000 – Sign No. 1
Exhibit L	Certificate of Appropriateness	File 301/029/000 – Sign No. 2
Exhibit M	Certificate of Appropriateness	File 301/029/000 – Sign No. 3
Exhibit N	Certificate of Appropriateness	File 301/029/000 – Sign No. 4
Exhibit O	Certificate of Exemption	File 279/010/000
Exhibit P	Certificate of Exemption	File 258/044/000