

**Town of Barnstable**  
**Old King's Highway Historic District**  
**MINUTES**  
**Wednesday, March 24, 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: Pat Anderson, Carrie Bearse, George Jessop, Elizabeth Nilsson**  
**Alternate Member Present: Dorothy Stahley**

**Motion duly made by Elizabeth Nilsson, seconded by Carrie Bearse, that George Jessop be appointed temporary Chair for this evening.**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

A quorum being met, Temporary Chair Jessop called the hearing to order at 7:00pm. The Chair explained the hearing and appeal process and invited the public to address the Committee and view the plans of interest.

**Continued Applications**

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

Construct New Single Family Home

(Continued from February 24, 2010, March 10, 2010)

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

George Jessop asked if the plans received March 17, 2010 at the Offices of 200 Main Street are the current plans as there are no dimensions on the plans and are generally considered preliminary. He explained that they could not vote on them at this meeting due to no dimensions, but they can be discussed if that is what the Applicant wishes. George Jessop added that he feels there has been a sizable difference in the way the building looks and asked which of the elevations is the closest view to the water and the response was the North. Jessop stated that this elevation has been reduced a great deal by moving the Guest House behind the structure and have compacted the central part of the house.

Elizabeth Nilsson commented that although there have been improvements; it is still a very large structure in comparison with other houses on Freezer Road. Mr. Sigl added that they dropped the Guest Wing roof in by 12 feet in height and Carrie Bearse ask and received confirmation that the roof line is now 56.5 feet and wished to know what it was previously. Mr. Sigl requested to be able to go through the changes from the last meeting.

Mr. Sigl addressed the changes made which included lowering the wing massing as well as others. They took the Committee's advice and have significantly reduced the areas around the entire house. The dimensions are the same; however, they lowered the guest wing which allowed them to eliminate the 6 foot wall around the house. The link that ties the two together lost significant height and they have changed the front dormer to give the house more of a horizontal read with a simple shed dormer going across the front. They have also eliminated the two saltbox wings that were intergraded into the curve base of the rear of the building which allows the central massing to stand out. Mr. Sigl submitted two sample photos into the record, the changed scheme and the previously submitted photos. He noted that you can see from these two elevations that this clearly dropped the length of the wing and the whole massing of the house.

Mr. Sigl also wished to add that when they submitted the Site Plan for Scheme 9, they were also dealing with Conservation and from that meeting they have taken the house and pushed it in 50 feet back towards the driveway. This has allowed them to reduce the stone wall on the east side to 4 feet, but it does increase to 6 feet at certain points.

Dorothy Stahley, as an alternate member, asked what the total upland acreage is for this site and was informed 4.07 acres.

Mr. Sigl noted that by moving the house, the pool will be moved as well and in this slight change it has forced them to twist the guest house slightly and to rotate it parallel with the house. The massing has not changed, however, when these change are done, they will have lost approximately 220 feet from the original building.

George Jessop noted the substantial changes made which make the home appear cleaner and clearer with the shed dormers. Lines are more in keeping with making it appear to be a continual design; however, this house will be very prominent for people entering the harbor.

Chair Jessop then opened the discussion up for Public Comment

John Crowell of Barnstable spoke in opposition of the project noting the lot is zoned Marine Business and asked if this will require a zoning variance. Also stated he believes the structure is too large. George Jessop informed Mr. Crowell that zoning does not fall under the OKH's purview and Mr. Revere added that this lot has a pre-existing home currently located on this site.

Albert Barbour of Barnstable noted that at the last meeting he posed the question regarding the consideration of the height of the house versus other landmarks in the area. He mentions the lighthouse and the Light keeper's house and believes this home will be higher than the lighthouse itself. A discussion took place that the lighthouse itself is 45 feet high and 59 feet above sea level.

Gordon Starr stated that he wonders about the elevation with regard to the mean high water mark and asked what the elevation of the home would be and received the answer that the elevation is 17 feet and the house will be at 18 feet with the basement slab. Mr. Starr commented that this is a very large house.

Dave Henderson, who resides on Freezer Road, wished to state that this is a gigantic house on what now exists an antique cape cod home. He believes that a reduction of 10,600 square feet to 10,400 Freezer Road is a very quiet road with very modest homes. This is not a modest home and is out of place and not aesthetically appropriate for the area.

Sheila Bearse of Rendezvous Lane commented that the home is far too big for the site and far too big to look at coming in from the harbor on a daily basis.

Ann Canedy, Town Council & Liaison to OKH spoke next and agrees with David Henderson that there has not been significant reduction as they are only talking about square footage going from 10,647 to 10,422 and height from 59 ½ to 56 feet above sea level. She is also concerned about the aesthetics including the mounding and understands you have to do this. Also mentions the lighthouse at Sandy Neck as an example and noted that Bacon Farms which had been mentioned previously as a large structure sits on a hill that is a natural mounding. She also noted that at the last meeting it was mentioned that you would not be able to see it from any other point on the harbor. She took a walk around the surrounding areas and believes it will be seen from Mill Way, the bulkhead parking area, Bush Point, Rendezvous, Salten Point and even possibly by some Barnstable Village residents. Agrees with others that this is a very unique harbor; picturesque and the subject of postcards and although the entrance into the harbor does have some large houses, there are none of this size and massing and certainly not on Freezer Road.

Marcy Dugas of Barnstable Village commented that many of the people on this Board know her as being outspoken in protecting this property in the past. The landmark that she would like to see is the Freezer which was torn down in 1998 which was twelve years ago. Mr. Bornstein has looked for a lot of other uses of this property. The building that use to be there is a part of her heritage as her grandfather worked out of the harbor and also worked at the Freezer and the Fish Shack. She has seen the plans and supports a home being located on this site and believes there is an existing home there now, believes he has paid taxes on this site for many years and sees no reason not to allow a person to have their home here. Understands the concern over the size, but the entire Bush Point has increased in size, bigger and bigger homes have been allowed on Sunset and on Rendezvous there are massive homes. Believes this is a nice looking piece of property and believes they do not need a lot more traffic in the harbor. She is very much in support and hopes people would welcome Mr. Bornstein and his family to Barnstable Village as he does a lot of nice things for the community. She hopes the Board will support this project and believes that Mr. Bornstein has listened to the concerns of others and has tried to incorporate these concerns.

Larry Mulaire of Barnstable commented that he has been looking at the derelict home on the existing site for quite some time now, however, questioned what the height of this structure at 57 feet equals in actual number of stories. He feels this design does not look like a regular residence.

Pam Prior of Freezer Road spoke next. She has no problem with building within the neighborhood and she respects Mr. Bornstein's right to do so, however she has two concerns. First concern would be that the materials used fit into the land such as natural shingles so that it blends well with the surroundings. The second concern would be with the large construction trucks needed to get in and out along Freezer Road and would like to know if any portion of the road would be blocked off.

Having no further comments from the public, Chair Jessop closed the Public Hearing. Attorney Revere wishes to respond to some of the public comments. When you look at a plan in terms of elevation, you are not looking at levels of water at the mean low or mean high sea level. There is something called NGVB which is used. This property before the basement, ground level is 17 feet and actual height of the building in terms of NGVB is 40'6" from the basement floor to the top at the highest point. This structure meets building code and goes 30' to ridge and he gives as an example a home of a friend, Jon Persson, on Salten Point Road and it sits in an area about 30-35 feet in elevation and then goes up about 24 to the ridge so that when you look at it from the east side of the harbor, its actual total height is as high or higher than this proposed home. Mr. Revere also mentioned the Kelly House on Rendezvous Lane as an example of a home that sits high on a hill.

Mr. Revere then showed an aerial map to the public which indicates where this home would be situated on the lot and noted that it will be viewed from only certain areas of the harbor because it is located inside the point and the buildings on Barnstable Marine do block a lot of the view of this home until to reach a certain point on the public road. He does agree that you will be able to see the home from Mattakeese and the landing but believes it is hard to see Freezer Point from Rendezvous Lane.

Ann Canedy asked how much fill is being proposed to bring the site out of the flood plain and is she correct in believing that the land will be filled to the top of an existing mound. George Jessop commented that the existing grade is 17 and the finished slab will be at 18. Ms. Canedy also asked if this new structure will be where the Cannery or the Freezer foundation previously was and Attorney Revere answered that it will be slightly west of the Cannery foundation.

Attorney Revere wished to address Mr. Starr's concern over the size of this home and pointed out that they have provided information on over 70 buildings within approximately a mile that are the same or higher and some included single family homes. For example Bacon Farm which is 14,000 square feet and was built originally as a single family home, Barnstable House is 8500 square feet and the Sturgis Library at 9500 square feet.

In addressing Mr. Crowell's comments, they have torn down the Cannery which was approximately 8,000 square feet and the Freezer building which was a large four story and they will be tearing down all but the historic portion of the remaining home. This new structure is 10,000 square feet but actually much more land is being opened up in terms of footprint. The immediate neighbor is the Barnstable Marine Service which has 30,000 square feet of buildings on 1.1 acres and is primarily aluminum siding.

The other issue, Mr. Revere continued, is that this structure will be larger than other residences on Freezer Road, but in terms of The Act, don't talk about residence to residence, you need to compare buildings and structures in the immediate surroundings. In addition to the Marine Service, there is also the Blair Home has approximately 8,000 square feet across the harborfront, Mattakeese has 5500, Mill Way Marine between its three buildings has 4500 square feet and on much smaller lots, all less than an acre.

Mr. Sigl addressed the Committee next with regard to the natural materials that will be used; asphalt weather wood shingles for the roof, natural stone, white cedar shingles. He also submitted a computer generated photo depicting the view from the water which addresses the massing and shows a typical residential scaled building from its central massing being prominent and its side wing being low and a standard size garage if that were a garage, however, this one will be underneath. The height of the building itself is 28 feet to the 2<sup>nd</sup> floor top of wall which is allowed by building. They have massing that is in keeping with the surrounding areas.

Returning to materials, Mr. Sigl noted that the windows will still be Marvin in a wine berry color, but they will apply exterior grills. There will be woven corners on the shingles, stones will be more of a natural field stone as indicated by the sample they provided at the last meeting, and to reiterate, the wall has dropped in height. The chimney will be stone to match the base wall. Asphalt architectural weathered wood shingles are proposed for the roof with a bleaching oil. Mr. Bornstein asked the Committee's input on if they wanted to go with wooden shingles on the roof and George Jessop noted that the problem with wooden roof shingles is mainly in the installation. Mr. Bornstein added that they would come back to the Committee if they decided to go this route.

George Jessop reminded the Applicant that they will need a full set of horizontally, as well as vertically dimensioned plans, information regarding the height of the perimeter wall above grade and a new site plan to be submitted to the Offices at 200 Main Street.

Carrie Bearse wished to add that she appreciates the fact that they have lowered the height, but still feels despite Mr. Revere's comments regarding surrounding areas that this house is too tall and too massive at 10,000 square feet and believes that they could come up with an absolutely appropriate house for this spot.

Elizabeth Nilsson commented that on the specification sheet it mentions wrought iron for fencing material and inquired where that would be going. It was determined that this is for the pool and a discussion took place that although the pool was indicated on the Site Plan, there was no further information available as to the materials.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Continue the Certificate of Appropriateness for Stuborn LLC at 153 Freezer Road to April 14, 2010.**

**VOTE:**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

**NOTE: Alternate Dorothy Stahley departs the meeting at 8:10pm**

**Humane Society of the US, 4011 Main Street, Cummaquid, Map 335, Parcel 060**

Restoration of Garage - Siding, Trim, Paint, Roofing, New Windows, Doors, Garage Doors

(Continued from March 10, 2010)

**Applicant has requested Continuance to April 14, 2010**

#### **New Applications**

**Humane Society /Cape Wildlife Center, 4011 Main Street, Barnstable, Map 335, Parcel 060**

New Sign

**Applicant has requested Continuance to April 14, 2010**

**Chasson, Mark & Kelly, 3179 Main Street, Barnstable, Map 299, Parcel 025-00B**

Exterior Alterations including Paint Color; Repair, Paint and Relocate Fence Opening, Sign, New Door, Landscaping, Remove Shutters

Represented by Kelly & Mark Chasson

Applicant wishes to take down the shutters, paint the existing portions that are yellow white, and paint the window cases and flower boxes black. They also wish to move the entrance on the fence to the walkway that is in front of the door. They will keep the same fence, simply add two new posts and wish to take out the old rose bushes and re-plant with a silver garden. The existing sign will remain in the same location over the door, just a new name in carved lettering. Carrie Bearse asked if they intent to paint the whole window unit black and the Chasson confirmed this is their intent. George Jessop voiced concern with the entire window painted black and the applicants pointed out that they want the windows to stand out as the home will be painted white. Carrie Bearse commented that the plantings on the landscape plan appear to be appropriate.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Mark & Kelly Chasson at 3179 Main Street, Barnstable as Submitted.**

**VOTE:**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

**Trelegan, Gregory, 157 Salt Rock Road, Barnstable, Map 316, Parcel 011**

Replace 15 Windows

Represented by Gregory Trelegan

Mr. Trelegan explained to the members that all but one bay window in the rear of the house is being replaced with Harvey Slimline 6 over 6 pattern with grills between the glass. Carrie Bearse asked why replacements will be a 6/6 pattern rather than the 12/12 that are existing as the 12/12 are appropriate for the home. Applicant noted that cost is the factor as the difference is approximately \$100 per window and added that this is the only house in the area that has the 12/12.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Gregory Trelegan at 157 Salt Rock Road, Barnstable for 15 replacement windows with grills between the glass in a 6 over 6 pattern.**

**VOTE:**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

**Coes, Peter, 4405 Main Street, Cummaquid, Map 350, Parcel 009**

Change in Exterior Paint Color – House & Barn

Represented by Peter Coes

Mr. Coes proposes to change the house color from seagull grey to a darker grey and to paint the entire barn red including the windows and what is white now. Carrie Bearse noted that these colors are appropriate.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for Peter Coes at 4405 Main Street, Cummaquid as Submitted.**

**VOTE:**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

**Cocklereece, Kevin, 2380 Meetinghouse Way, W. Barnstable, Map 155, Parcel 046-003**

New Sign

Represented by Kevin Cocklereece

Sign will be white with black lettering and the hanging signs below will be black with white lettering. Mr. Cocklereece pointed out that this sign will be similar to the sign for Meetinghouse Farm of which a photo was submitted for the file.

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Appropriateness for a new sign for Kevin Cocklereece at 2380 Meetinghouse Way, W. Barnstable as Submitted.**

**VOTE:**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

### **Informal Review**

**Zoto, George & Sandra, 10 Widgeon Lane, W. Barnstable, Map 132, Parcel 028**

Mr. Zoto explained that they are planning an addition and he is seeking the Members thoughts and suggestions before appearing formally before the Committee. The Members reviewed the sample plans and questioned why the existing home has 12/12 window patterns and the addition has 6/6 patterns. Mr. Zoto stated that this was an error on the plans and the new windows on the addition will have a 12/12 pattern to match the existing home. George Jessop suggested setting the porch back a foot so that you can see the gable end. Carrie Bearse confirmed that materials on the addition will match those on the existing and requested confirmation on the grills for the windows. Mr. Zoto informed the members that the existing home has applied exterior grills and the addition will have the same.

### **Certificate of Exemption**

**Casey, Mary Lynn, 10 Otter Lane, Barnstable, Map 351, Parcel 056**

Install 4' Split Rail Fence

**Motion duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Approve the Certificate of Exemption for Mary Lynn Casey at 10 Otter Lane, Barnstable as Submitted.**

**VOTE:**

**AYE: ALL**

**NAY: None**

**So Voted Unanimously**

**Maki, Karl, 1700 Main Street, W. Barnstable, Map 197, Parcel 035**

Replace Section of Steel Post & Barbed Wire Fence with 4' Split Rail Fence

**Motion duly made by Elizabeth Nilsson, seconded by Carrie Bearse to Approve the Certificate of Exemption for Karl Maki at 1700 Main Street, W. Barnstable as Submitted.**

**VOTE:**

**AYE: ALL**

**NAY: None**  
**So Voted Unanimously**

**Having no further business before this Committee, a Motion was duly made by Carrie Bearse, seconded by Elizabeth Nilsson to Adjourn the Meeting at 9:00pm.**  
**So Voted Unanimously**

Respectfully submitted,  
Marylou Fair, Recording Secretary