

**Town of Barnstable  
Old King's Highway Historic District**

**MINUTES  
Wednesday, November 13, 2013  
6:30pm**

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:

Carrie Bearse	Present
George Jessop	Present
Bill Mullin	Present
Mary Blair Petiet	Present
Ellen Merritt	Absent

A quorum being met, Chair Bearse called the hearing to order at 6:30pm. 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.

**NEW APPLICATIONS**

**Swift, Harriet J. Estate of, 46 Bow Lane, Barnstable, Map 299, Parcel 049**

Replace all Existing Windows, Remove One Door and One Window and Replace with 6' Slider  
Represented by Will Swift

Mr. Swift stated that they propose to replace an existing window with a slider and all the rest of the approximately 60 windows. Carrie Bearse asked if the windows would have fixed exterior grills and Mr. Swift replied that they would like to go with grills between the glass due to the number of windows and the cost factor. George Jessop asked, due to the historic nature of this house, if grills between the glass would be appropriate. Carrie Bearse added that there are a lot of windows and the house does sit back from the road, however, that is what this Committee should take into consideration. Mr. Swift stated that he does not believe that grills between the glass would take away from the house. Carrie Bearse agrees and adds that she prefers fixed exterior grills but this house is not on Route 6A and sits back from Bow Lane. George Jessop believes there are other windows by other manufacturers that may be more appropriate. Will Swift noted that they did price other manufacturers and Pella came up with the best price for the quality of the window. George Jessop offered to research other manufacturers and report back to the Committee. Bill Mullin commented that due to the location, he does not have an issue with grills between the glass. Mary Blair Petiet would like to see a sample of the proposed window. Mr. Swift added that the Pella window is double hung and will have a screen so the grills will hardly be seen at all. He added that they have done their homework and this is the best window for the quality and cost. Chair Bearse asked if the applicant would be willing to continue the application to allow for them to view a sample and to investigate other options.

**Motion duly made by Mary Blair Petiet, seconded by Bill Mullin to Continue the Certificate of Appropriateness (Exhibit A) for Harriet Swift at 46 Bow Lane, Barnstable to December 11, 2013 at 6:30pm.  
So Voted Unanimously**

**St. Mary's Episcopal Church, 3055 Main Street, Barnstable, Map 279, Parcel 042**

Replace Existing Sign

Represented by Mark Anschutz

Carrie Bearse confirmed that the new sign will be made of wood and will be placed in the same location as the existing sign.

**Motion duly made by George Jessop, seconded by Mary Blair Petiet to Approve the Certificate of Appropriateness (Exhibit B) for St. Mary's Episcopal Church at 3055 Main Street, Barnstable as Submitted.  
So Voted Unanimously**

**Chase Great Marsh LLC, 58 Calves Pasture Lane, Barnstable, Map 259, Parcel 004**

Install Solar Panels on Southern Elevation

Represented by Randall Chase, Homeowner and Nolan Richardson, Solar City

George Jessop commented that he understands why the panels are on the dormers, but questioned why they are not carried all the way across. Nolan Richardson explained that the chimney casts a shadow over that portion and noted that when you see a line of panels across the entire area, the energy from the weakest panel brings all the panel's energy down. Carrie Bearse stated that the location is hardly visible from any angle.

**Motion duly made by Bill Mullin, seconded by Mary Blair Petiet to Approve the Certificate of Appropriateness (Exhibit C) for Chase Great Marsh LLC at 58 Calves Pasture Lane, Barnstable as Submitted due to the remote location of house which is hardly visible from any vantage point.**

**So Voted Unanimously**

**Zybaila, Pavel & Batayeva, Katsiaryna, 145 Cedar Street, West Barnstable, Map 130, Parcel 023**

Replace Existing Front Door, Replace Existing Aluminum Trim

Represented by Katsiaryna Batayeva

Ms. Batayeva explained that they would like to replace all aluminum trim with wood trim and replace the front door. She wishes to submit a revised door in the same style, only not with the "speakeasy" type door/window. Bill Mullin commented that the revised door is more appropriate and that replacing the trim is an improvement.

**Motion duly made by Mary Blair Petiet, seconded by George Jessop to Approve the Certificate of Appropriateness (Exhibit D) for Pavel Zybaila & Katsiaryna at 145 Cedar Street, West Barnstable as Amended to reflect the submission of a revised front door.**

**So Voted Unanimously**

**Parsons, Keith & Ruth, 65 Althea Drive, Barnstable, Map 333, Parcel 019**

Construct 14' x 18' Addition, Replace Deck with Stone Patio, Window & Door Alterations

Represented by John Falacci, Contractor

Mr. Falacci stated that the owners wish to construct a 14' x 18' addition along with window and door reconfigurations. The French door will be replaced by a window, the kitchen window will become a bit larger and the rear entry door will be replaced with a small window. They also propose to replace the deck and add a small stone patio.

**Motion duly made by Mary Blair Petiet, seconded by George Jessop to Approve the Certificate of Appropriateness (Exhibit E) for Keith & Ruth Parsons at 65 Althea Drive, Barnstable as Submitted.**

**So Voted Unanimously**

**Barbas, Paul & Jan, 111 Harris Meadow Lane, Barnstable, Map 279, Parcel 088**

Construct New Single Family Home, Pool, Patio, 10' x 16' Cabana, Retaining & Landscape Walls

Represented by Walter Yarosh, Architect

Mr. Yarosh detailed the project to construct a 3865 square foot new single family, shingle style house. Azek trim is proposed which will be painted white. The lot is very steep and the back portion of the house will be a walkout. A swimming pool will be incorporated along with a retaining wall. They propose a veneer stone on the foundation as well as the retaining wall to blend it all together. Andersen windows with exterior applied grills are also proposed. Carrie Bearse asked what the material will be for the pool fencing and Mr. Yarosh confirmed azek trademark fencing.

Chair Carrie Bearse opened Public Comment

Penny Edwards asked how the house will compare in height with others in the area as well as from the water. Mr. Yarosh noted that the lot sits lower than those around it and they situated the house so that from the water, the trees are higher than the house.

Lovell Elliott, a direct abutter, wished to know if the house could be moved farther west. Mr. Yarosh explained that they did a site visit and actually went up on Mr. Elliott's roof and angled the house due to this neighbor's views. Most of Mr. Elliott's views will look over this house as the elevation is approximately 12' different. The owners themselves do not really have a view as they have tried to work with neighbors and deal with the grade of the property.

Marie Woolf inquired about the landscape that is along the road. Mr. Yarosh noted that as you go down this street there are big tall cedar trees and stone walls which they are going to try to match.

The Chair closed the Public Comment and there was no further discussion of the members.

**Motion duly made by George Jessop, seconded by Bill Mullin to Approve the Certificate of Appropriateness (Exhibit F) for Paul & Jan Barbas at 111 Harris Meadow Lane, Barnstable as Submitted.**

**So Voted Unanimously**

**McDonald, William & Carol, 1749 Phinney's Lane, Barnstable, Map 276, Parcel 012**

Construct New Dormer Front Elevation, Expand Dormer Rear Elevation & Install New Dormer Windows

Represented by William McDonald

Mr. MacDonald stated that they wish to construct a new dormer on the front elevation and expand the dormer on the rear elevation. The new windows will have exterior fixed grills to match the existing.

**Motion duly made by Mary Blair Petiet, seconded by George Jessop to Approve the Certificate of Appropriateness (Exhibit G) for William & Carol McDonald at 1749 Phinney's Lane, Barnstable as Submitted. So Voted Unanimously**

**Mulhern, Howard & Hayes, Barbara, 26 Damian Way, Barnstable, Map 298, Parcel 105**

Construct 16'-6" x 20' Shed

Represented by Brian Warburton

Mr. Warburton requested one minor change of materials on the rear elevation from white cedar shingles to board & batten. You will see the cedar shingles from the three sides, but the rear is not visible.

**Motion duly made by George Jessop, seconded by Mary Blair Petiet to Approve the Certificate of Appropriateness (Exhibit H) for Howard Mulhern and Barbara Hayes at 26 Damian Way, Barnstable as Amended to reflect board & batten on the rear elevation.**

**So Voted Unanimously**

**Gall, Charles & Dara, 1247 Main Street, West Barnstable, Map 178, Parcel 021**

Construct 20' x 24' Shed with 8' x 12' Chicken Coop Attached, Construct 12' x 8' Pony Stall Attached to Existing Barn

Represented by Charles Gall

Mr. Gall noted that he has a revised plan for the shed which was originally proposed for board & batten and he would like to change this to white cedar shingles so that it matches the property. He would also like to change the size of the windows as they wish to recycle the windows from the main house. The two projects proposed; the shed with the attached chicken coop and the pony stall will match all materials of the existing house.

**Motion duly made by George Jessop, seconded by Bill Mullin to Approve the Certificate of Appropriateness (Exhibit I) for Charles & Dara Gall at 1247 Main Street, West Barnstable as Amended via plans received 11/13/2013.**

**So Voted Unanimously**

**Barnard, Jennifer & Edmund Couture, 215 Parker Road, West Barnstable, Map 176, Parcel 017**

Replace Existing Windows

Represented by Ed Couture

Chair Bearse read a letter of support from Ron Beaty into the record

Mr. Couture explained that there are nine windows and they have a variety of grill applications; some fixed and some between the glass. He would like to replace all the windows with grills between the glass.

**Motion duly made by George Jessop, seconded by Mary Blair Petiet to Approve the Certificate of Appropriateness (Exhibit J) for Jennifer Barnard and Edmund Couture at 215 Parker Road, West Barnstable as Submitted.**

**So Voted Unanimously**

**Davies, CJ David & Torrance, Ama, 74 Pin Oaks Drive, Barnstable, Map 279, Parcel 091**

Remove Front Greenhouse & Replace with Addition, New Entry Portico, Extend Dormers, New Patio, Expand 2<sup>nd</sup> Floor Deck with Balcony, Window Alteration, Remove Chimney & Bulkhead

Represented by Gary Ellis, Architect

Mr. Ellis noted that this house was constructed approximately 1907 and has had many changes. They wish to replicate the front of the house as it was originally. They propose to remove the front greenhouse which was added and is not appropriate to the house. The foundation is stone and when the greenhouse is taken off, they will continue the stone work. There are changes to window sizes proposed and the roof will be replaced with an asphalt shingle. The windows will be replaced with Marvin fixed exterior grills. On the rear elevation there is a roof deck with no railings and they will add railings and a small balcony off one of the bedrooms. The submitted drawing shows a four panel door and they would like to modify this to a six panel door. There is a small rear chimney that they believe was added at a later date and the owners would like to remove it as well as a rear skylight that will come out when the dormer is extended.

**Motion duly made by George Jessop, seconded by Bill Mullin to Approve the Certificate of Appropriateness (Exhibit K) for CJ David Davies and Ama Torrance at 74 Pin Oaks Drive, Barnstable as Amended to reflect revised plans received 11/13/2013.**

**So Voted Unanimously**

## **CONTINUED APPLICATIONS**

### **Hannoosh, James & Linda, 35 Williams Path, West Barnstable, Map 111, Parcel 033**

Construct Addition, New Dormer & Window Modifications

(Continued from October 23, 2013)

Applicant has filed a Withdrawal without Prejudice Form received 11/8/2013

**Motion duly made by George Jessop, seconded by Mary Blair Petiet to Accept the Withdrawal without Prejudice (Exhibit L) for James & Linda Hannoosh at 35 Williams Path, West Barnstable as Requested.**

**So Voted Unanimously**

### **Barnstable Historical Society, Inc. 3087 Main Street, Barnstable, Map 279, Parcel 039**

Install Bronze Statue in Natural Setting

(Continued from July 24, August 14 & August 28, September 11 & 25, October 09 & 23, 2013)

Represented by Rich French, President & Max Kumin, Secretary Barnstable Historical Society

Chair Bearse recapped the application and where the Committee and applicant are regarding discussion. Before us this evening is the location and landscaping of the statue.

Mr. French stated that they have tried to take all the input from the Committee and incorporate it into the plan. The Town did ask that they stake out where the rhododendron would be placed so that they could review for site safety. The rhododendrons will be 4-6' at planting as recommended by the Committee and there will be a stone walkway. The statue and slab will be moved back 4-6' with the options of burying the granite slab down six inches or to mound loam up to the top of the slab. The suggestions of the other plantings were done by an arborist and all species are appropriate for a garden.

Carrie Bearse commented that, for her, the setting was the issue and she feels this accomplishes it as much as possible and appreciates the efforts that the Historical Society has taken to work with the Committee.

Mary Blair Petiet recalled that the purpose of the request for a complete site plan of the property was to see if there was any alternate spot for the statue and she would still be interested in that possibility. Max Kumin stated that he has been in touch with the Larusso Foundation and other than moving the statue back the 4-6', any other location would not be acceptable to them.

George Jessop commented that he believes that the statue was appropriate, but the placement was too far forward.

Placing it further back on the lot would be an appropriate compromise.

Chair Bearse opened the Public Comment and reminded the public that the landscaping and location of the statue is what is being determined this evening.

Bob Frazee wished to thank the Committee and the Historical Society for their efforts. He believes that the statue was produced at a very high level and was designed to be visible; however, he is glad that a compromise has been offered.

David Munsell, Sr. stated that he is surprised that this has gone on for so long. He spoke in favor of the statue and does not feel that the screening is appropriate and wishes to see the statue remain where it is.

David Munsell, Jr. also believes that the statue is not obtrusive and questioned whether it is the purview of this Committee to require it to be screened.

Larry Thayer stated that he was on the board for the Cape Cod Art Association for a number of years and public art has been part of this district for a long time. Barnstable Village has also applied to become a Cultural District and these types of public art would benefit the area. The statue is in keeping with this.

Sarah Rueter noted that at a previous meeting, it was suggested that the rhododendrons be 6' and she questioned the landscape plan that indicates they will be 4-6' at planting.

Roberta Cox commented that the statue should remain where it is.

Peter Eastman stated that he lives not far from where the statue is located and he drives by it frequently. He hardly notices it and if it is moved back a few feet and becomes flush with the ground it should make it more appropriate. He also hopes that the screening will not completely hide it.

Susan French stated that she is in support of the application.

Betsey Wheeler & James Hunsucker seconded Susan French's support.

Wayne Norwood spoke in favor of the plan submitted and added that Lyndon Larusso played in this area and that is why this location was chosen.

Charles Fuller noted that had the granite foundation not been included with the statue, we might not have had this issue.

Nancy Viall Shoemaker commented that the statue is beautiful and when she drives by she sees families with children sitting on the bench.

Penny Edwards spoke in opposition and understands that the Committee has received many letters from those that are opposed. She believes the statue is not in keeping with the neighborhood and reminded members of the photographs

she submitted at a previous meeting of an area at the rear of the property that she suggested would be an alternate location.

Mathew Rueter stated that he has been in opposition of the Statue from the beginning, but believes that what the Old King's Highway Committee members have suggested is admirable and a good compromise. He questioned how fast the rhododendrons would grow and what happens if the requirements of the landscape plan is not met.

Chair Bearse closes Public Comment.

Carrie Bearse stated that she appreciates everyone's comments and noted that all have made convincing arguments. She thanked the Historical Society for the efforts they have made to make the setting more appropriate and believes this is the result of the community talking and making compromises.

Rich French wished to add for the record, that they had wanted to have the plantings done, but now with winter approaching, they will work on the stone walkway and plant in the spring.

**Motion duly made by George Jessop, seconded by Mary Blair Petiet to Approve the Certificate of Appropriateness (Exhibit M) for the Statue Portion as Amended to reflect that the statue will be moved from present site towards the rear of the property 4-6 feet with earth and plantings surrounding or mounted flush with the surface of the granite slab as per plans revised 11/13/2013 and that the plantings towards the street shown as fast growing rhododendrons to be no less that 4-6' at the time of planting.**

**So Voted Unanimously (Bearse, Jessop, Petiet)**

### **CERTIFICATE OF EXEMPTIONS**

**Bassing, Henry & Mary, 254 High Street, West Barnstable, Map 111, Parcel 030**

Construct 8' x 10' Shed

**Motion duly made by Bill Mullin, seconded by Mary Blair Petiet to Approve the Certificate of Exemption (Exhibit N) as Submitted.**

**So Voted Unanimously**

**Betti, Robert, 26 Tisquantum Road, Barnstable, Map 352, Parcel 016**

Construct 10' x 12' Shed with Peak Roof

**Motion duly made by Mary Blair Petiet, seconded by Bill Mullin to Approve the Certificate of Exemption (Exhibit O) as Submitted.**

**So Voted Unanimously**

**Difazio, Susan & Joey, 45 Cove Lane, Barnstable, Map 351, Parcel 004**

Install 4' high vertical cedar picket fence & two 4' wide gates

**Motion duly made by George Jessop, seconded by Bill Mullin to Approve the Certificate of Exemption (Exhibit P) as Submitted.**

**AYE: None**

**NAY: All – Motion fails to carry**

### **MINOR MODIFICATIONS**

**Hoothay, Frances, 105 Brentwood Lane, Barnstable, Map 333, Parcel 003-007**

Change siding from Natural White Cedar Shingles to Pre-dipped Lighthouse Gray Cedar Shingles

**Motion duly made by Mary Blair Petiet, seconded by Bill Mullin to Approve the Minor Modification (Exhibit Q) as Submitted.**

**So Voted Unanimously**

### **APPROVAL OF MINUTES**

**Minutes of October 23, 2013**

**Motion duly made by George Jessop, seconded by Bill Mullin to Approve the Minutes of October 23, 2013 as Submitted.**

**AYE: Bearse, Jessop, Mullin**

**ABSTAIN: Petiet**

**Having no further business before this Committee, a motion was made by Bill Mullin, seconded by George Jessop to Adjourn the Meeting at 9:20pm.  
So Voted Unanimously**

Respectfully submitted,  
Marylou Fair  
Recording Secretary

Exhibit A – Certificate of Appropriateness – File 299/049 dtd 11.13.2013  
Exhibit B – Certificate of Appropriateness – File 279/042 dtd 11.13.2013  
Exhibit C – Certificate of Appropriateness – File 259/004 dtd 11.13.2013  
Exhibit D – Certificate of Appropriateness – File 130/023 dtd 11.13.2013  
Exhibit E – Certificate of Appropriateness – File 333/019 dtd 11.13.2013  
Exhibit F – Certificate of Appropriateness – File 279/088 dtd 11.13.2013  
Exhibit G – Certificate of Appropriateness – File 276/012 dtd 11.13.2013  
Exhibit H – Certificate of Appropriateness – File 298/105 dtd 11.13.2013  
Exhibit I – Certificate of Appropriateness – File 178/021 dtd 11.13.2013  
Exhibit J – Certificate of Appropriateness – File 176/017 dtd 11.13.2013  
Exhibit K – Certificate of Appropriateness – File 279/091 dtd 11.13.2013  
Exhibit L – Request for Withdrawal – File 111/033 dtd 10.23.2013  
Exhibit M – Certificate of Appropriateness – File 279/039 dtd 07.24.2013  
Exhibit N – Certificate of Exemption – 2013 Exemption File 111/030 dtd 11.13.2013  
Exhibit O – Certificate of Exemption – 2013 Exemption File 352/016 dtd 11.13.2013  
Exhibit P – Certificate of Exemption – 2013 Exemption File 351/004 dtd 11.13.2013  
Exhibit Q – Minor Modification – File 333/003-007 dtd 09.25.2013