

**TOWN OF YARMOUTH  
OLD KING'S HIGHWAY HISTORIC DISTRICT COMMITTEE  
MINUTES – Monday, May 9, 2022**

The Old King's Highway Committee met in person, with Zoom option for participants. **Members Present:** Chairman (Architect/Contractor) Richard Gegenwarth, Vice Chair Robert Wilkins, Member Paula Morrison, Member Rosemary Nicholls, Member Elizabeth Argo, and Alternate Member Cindy Ecker. **Absent:** Alternate Member Jane Hildebrandt. **Staff Present:** Old King's Highway Administrator Lisa Sherman.

A quorum present, Chairman Gegenwarth opened the meeting with a brief explanation of how the meeting is run and noted the 10-day appeal period. The regular meeting convened at **7:15 P.M.**

1. **22-A033 Eileen Skiver (Owner) and Sunrun Installation Services (Agent):** To install 42 roof-mounted photovoltaic solar panels at **6 Riseknoll Path**

Steve Kelly (agent) was present. This application originally came through Vivint Solar, which has been purchased by Sunrun. Mr. Kelly asked that this application be tabled, as Sunrun wants to resurrect it with Sunrun documentation. He doesn't believe the documentation is sufficient for the Committee, so is going to provide the information the Committee needs at a later date.

No abutters present and no public comment.

Vice Chair Wilkins moved to table the application.

The motion was seconded by Member Argo.

The motion was passed unanimously. 6-0-0. **TABLED**

2. **22-A051 Daniel and Kristen Keller (Owners):** To add two doghouse dormers and a 34' by 8' covered farmer's porch at **13 West Great Western Road**

Daniel and Kristin Keller (owners) were present. They would like to add two doghouse dormers to the front of their house, and to add a farmer's porch across the front of their house. The two dormers would allow light into two bedrooms. Member Argo asked if the clapboards on the dormers will match the house, and the owners replied it would. Vice Chair Wilkins asked if the grille pattern on the new windows will match the existing, and the owners replied it would.

No abutters present and no public comment.

Member Morrison moved to approve the application as submitted.

The motion was seconded by Vice Chair Wilkins.

The motion passed, 5-0-1, with Member Ecker abstaining. **APPROVED**

On 5/23/2022, on a motion by Vice Chair Wilkins, seconded by Member Morrison, the committee voted 6-0-0 to approve these minutes

3. **22-A052 James Barry (Owner) and My Generation Energy (Agent):** To install 20 black roof-mounted solar panels on the back roof at **32 Whipoorwill Lane**

Abe Boyle (agent) was present to speak to the application. The plan is to place 20 solar panels on the back of the house, not visible from the street. Member Nicholls asked if the panels would be visible from the street behind (Windswept Path), and Mr. Boyle said the panels would be blocked by trees. The dormer where the panels would be placed has a flat pitch so not visible. Mr. Boyle noted he spoke with the neighbor behind the property in question (Judy Wilchynski), and Chair Gegenwarth said he spoke with her as well. Mr. Boyle pointed out the panels would be minimally visible from Windswept Path if you are looking for them.

Member Nicholls said the panels are visible from Windswept Path. Member Argo said the definition of "minimally visible" is important, and any abutters who have issues should attend the hearing.

Judy Wilchynski (rear abutter) was present via Zoom. She is concerned about glare from the solar panels and has discussed this issue with Mr. Boyle and Chair Gegenwarth and is concerned with the panel placement since many trees have been cut down over the years.

Member Argo said she has been involved with solar panel installation for many years, pointed out the shallow pitch of the roof would eliminate glare concerns. Vice Chair Wilkins said he is concerned about the visibility from Windswept Path and noted the Committee has approved panels with oblique visibility in the past. Member Morrison asked Ms. Wilchynski about visibility in the winter, and she replied that there are some evergreens, and that she doesn't want to block the project.

Member Argo said Windswept Path is not a busy street, so there would be minimal impact.

Chair Gegenwarth suggested planting evergreens to block the view from Windswept, and Mr. Boyle said he would talk to the owners about that option.

Member Morrison asked about the solar panel configuration. There will be panels on the flat dormer in the back of the house, two on the barn that will not be visible; the seven in the middle would be partially visible from Windswept Path. Mr. Boyle felt comfortable this plan would be approved since the panels are minimally visible from the street behind the property.

Member Argo said that there are several people on the Committee who believe that minimally visible means the panels can't be seen at all; therefore, the Committee needs to agree on the definition of minimally visible. Vice Chair Wilkins pointed out that the Committee approves 75-80% of the solar panel requests that are requested.

Member Morrison asked if it would be possible to drop the middle section of panels; Mr. Boyle answered that the middle section is 40% of the energy generated, and those panels are on the flat part of the roof. Member Argo said the solar company is trying to get a poorly designed solar system to work since the panels are facing northwest in order to get OKH approval.

Member Nicholls said the applicant can appeal the decision or submit a new plan.

No additional abutters present or public comment.

On 5/23/2022, on a motion by Vice Chair Wilkins, seconded by Member Morrison, the committee voted 6-0-0 to approve these minutes

Member Argo moved to approve the application as submitted. Chair Gegenwarth seconded the motion. The motion failed, 2-4-0 **DENIED**

- 4. 22-A053 Harrison Aguiar (Owner) and Sunrun Installation Services (Agent):** To install 31 black on black solar panels on back of house at **52 Early Red Berry Lane**

Steve Kelly (agent) was present. Sunrun updated the plans for this property. The panels were moved to the rear roof on the north side. Member Ecker said the panels are not visible from the street behind the property (Skipper); Vice Chair Wilkins agreed. The panels would not be visible from either street. Chair Gegenwarth asked about the effect of the north-facing panels, and Mr. Kelly replied that the program they ran to determine productivity returned a report that the panels will be efficient enough. Member Argo said Sunrun will own the installation, so they are taking the risk.

No abutters present and no public comment.

Member Nicholls moved to approve the application as submitted. Member Ecker seconded the motion.

The motion passed unanimously, 6-0-0. **APPROVED**

- 5. 22-A054 George Bell (Owner) and Solar Wolf Energy (Agent):** To install roof 35 roof-mounted solar panels, built in microinverters, and SMART meter socket at **58 Lookout Road**

No one present to represent this application.

No abutters present and no public comment.

Vice Chair Wilkins moved to table this application to the end of the hearing and was seconded by Member Morrison. The motion passed unanimously, 6-0-0 **TABLED**

- 6. 22-A056 Joyce Maria and Jon Fish (Owners) and Solar Wolf Energy (Agent):** To install 18 roof-mounted solar panels with built in microinverters and a SMART meter at **107 Merchant Ave**

Joyce Maria and Jon Fish (owners) were present They said they have collected 14 letters from neighbors in support of their request for solar panels and prepared a PowerPoint presentation as well. Solar Wolf was supposed to send that documentation to the Committee; the Committee received only four letters from abutters and did not receive the PowerPoint presentation. Vice Chair Wilkins asked from what percentage of neighbors had they received letters of support, and the owners replied about 50%; none of the abutters have an issue with the solar panels on front of their house because their road is a loop and they are at the top of the loop, and therefore very little traffic. Solar Wolf determined that solar panels in the front of the house would be the most efficient.

Vice Chair Wilkins pointed out that Merchant Ave doesn't have an HOA that allows solar panels; Merchant Ave isn't an exempt area.

**On 5/23/2022, on a motion by Vice Chair Wilkins, seconded by Member Morrison, the committee voted 6-0-0 to approve these minutes**

Member Morrison said this is exactly the situation in which solar panels should be rejected because they are on the front of the house and there is no vegetation in front of the house to hide the panels.

Member Argo pointed out that the owners were told to collect letters of support from neighbors at the March 28 hearing. They took the trouble to collect the letters as instructed; why did we send them back to get letters if we are going to discount them?

Member Ecker said approving visible solar panels is clearly against the guidelines set out in the OKH Bulletin.

Chair Gegenwarth said solar panels were approved for the front of a house on Outward Reach and believes this precedent should be taken into consideration.

Member Argo said the owners did what the Committee told them to do. Vice Chair Wilkins said they weren't promised an automatic approval with abutter letters. The owners said they weren't told they needed abutter letters from everyone in the neighborhood.

No abutters present; four letters from abutters received (Linda Carr, Carol Harris, Elizabeth Sarnosky, Debra Morin). No public comment.

Vice Chair Wilkins moved to approve the application with the understanding that Merchant Ave has been declared a solar panel exempt area. Member Nicholls seconded the motion. The motion passed unanimously, 6-0-0 **APPROVED**

**7. 22-A057 Judith Danis (Owner) and Solar Wolf Energy (Agent): To install roof-mounted solar panels at 15 Old Cedar Lane**

No one present to represent this application.

No abutters present and no public comment.

Member Morrison moved to table this application to the next hearing and was seconded by Member Argo. The motion passed unanimously, 6-0-0 **TABLED**

**Tabled**

**1. 22-A054 George Bell (Owner) and Solar Wolf Energy (Agent): To install roof 35 roof-mounted solar panels, built in microinverters, and SMART meter socket at 58 Lookout Road**

Vice Chair Wilkins moved to untable this application and was seconded by Member Morrison. The motion passed unanimously, 6-0-0. **UNTABLED**

No one present to represent this application.

Vice Chair Wilkins moved to table this application to the next meeting and was seconded by Member Argo. The motion passed unanimously, 6-0-0 **TABLED**

**OKH Meeting Minutes Approval**

**On 5/23/2022, on a motion by Vice Chair Wilkins, seconded by Member Morrison, the committee voted 6-0-0 to approve these minutes**

April 25, 2022

There was a motion made by Vice Chair Wilkins to approve the April 25, 2022 minutes as submitted. The motion was seconded by Member Argo. The motion passed, 5-0-1, with Member Ecker abstaining.

### **Other Business**

Chair Gegenwarth noted that the Old King's Highway Regional Commission is scheduled to have a meeting on Tuesday, May 24 to hear an appeal.

### **ADJOURNMENT**

There was a motion made by Chair Gegenwarth to adjourn the meeting.

The motion was seconded by Member Argo.

The motion passed unanimously. Vote: 6-0-0. **ADJOURNED** at 8:30 PM

Richard Gegenwarth, Yarmouth OKH Historic District Committee

Posted By: Lisa Sherman, Old King's Highway Committee, Administrator