



TOWN OF YARMOUTH
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OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT COMMITTEE

FINAL MINUTES – February 28, 2011

The Old King's Highway Committee met on **Monday, February 28, 2011**, in the **Hearing Room** at **Yarmouth Town Hall, 1146 Route 28, South Yarmouth. Members present:** Chairman Richard Gegenwarth, Marilyn Swenson, Suzanne Courcier, and W. Leslie Peat. Also Present: Colleen McLaughlin, Office Administrator.

A quorum present, Mr. Gegenwarth opened the meeting with a brief explanation of how the meeting is run and an explanation of the 10-day appeal period. He then stated for the record that the OKH Committee has been working with the Building Department and has revised some procedures. All applicants must pick up their paperwork at the OKH office and use the stamped OKH-approved plans for all town departments. In addition, the Building Department and OKH are working together to ensure compliance with the OKH-approved plans. To that end, OKH now inspects at framing and occupancy permit times and reports to the Building Department whether or not the approved construction has taken place or if changes requiring additional OKH review have been generated. The regular meeting convened at **7:15 P.M.**

11-A020 Route 6A Yarmouth Port, LLC (owners), Plymouth Sign Company, Inc (agent); replace 2 existing freestanding signs & add 2 new affixed signs at **7-13 Willow Street**. Mike Caggiano, agent, present. The two freestanding signs will replace existing signs; two new affixed signs will be added. One freestanding sign is 36" x 48", and the other is 36" x 38"; both fall within the 12 square-foot OKH requirement. Signs will have sandblasted background with raised lettering; material will be cedar. Colors will be tan for the background, with burgundy, black, and tan for the lettering and logo. Sandblasting will allow cedar grain to show through paint, and tie in with basket weave on logo. Posts will be similar to existing and painted tan. The new affixed signs are both 24" x 72" (12 square feet). They will also be sandblasted cedar; however, their colors will be different from the freestanding signs. Background will be burgundy; lettering, black; and ribbon with bow, hunter green. Mr. Gegenwarth remarked that the spec sheet also called for beige on the affixed signs; Mr. Caggiano said that there would not be any beige on the affixed signs. Mr. Gegenwarth then asked the members to cross the word "beige" off the affixed sign part of the spec sheet. Ms. Courcier noted that the paint chips submitted with the application were very shiny. She reminded Mr. Caggiano that the paint must be low luster. Mr. Caggiano replied that the actual signs would have a low luster and that the graining exposed by the sandblasting would provide a variegated look that would also dull the shine. Mr. Peat then moved to approve the application with the changes noted (low luster finish and no beige on affixed signs); Ms. Courcier seconded. **APPROVED: 4-0-0**

11-A021 Gerald & Priscilla Brines (owners), McPhee Associates, Inc. (agent); construction of new single-family residence at **67 Marsh Side Drive**. Robert & Richard McPhee, agents, present. The project calls for the construction of a wood-framed single-family residence with attached garage. Robert McPhee noted that the property drops off in the back, and a retaining wall of large boulders will be constructed to handle it. The house will have a poured concrete foundation and asphalt driveway. The steps, walkways, and chimney will be red brick. Doors and storm doors will be white. The front will have mahogany clapboards in BM#77 Sailcloth color; sides and rear will be shingles with bleaching oil. Shutters will be paneled vinyl in BM #43 Essex Green. The agents requested a change from the windows requested in the original application packet. The homeowners would now like to use wooden true-divided light windows. The members agreed and made a notation to that effect on the spec sheet. Mr. Gegenwarth noted that the lights on either side of the front door were positioned quite far away from the door and steps. Such a position might cast shadows on the stairs. He recommended changing the lights' location to the pilasters on either side of the door. Robert McPhee explained that there might be size problems installing them in the new location. Mr. Gegenwarth replied that it would be possible to accommodate the change of location because the house was still in the planning phase. The members then reviewed the deck plans. The deck was designed with Azek decking in Clay color and railings in a synthetic material in white. Ms. Courcier asked which synthetic material was planned for the railings. Robert McPhee replied that it was an Azek material and would be low luster. Garage doors will be aluminum with a light graining

embossed on them. The agents asked to revisit the issue of the front lights. Would it be acceptable to place the lights as tightly as possible *against* the pilasters if it was impossible to install them *on* the pilasters? That installation was deemed appropriate. Ms. Swenson then moved to approve as presented; Ms. Courcier seconded. **APPROVED: 4-0-0**

11-A022 Cyrus & Victoria Boynton (owners), Mark Mullin (agent); replacement of existing deck rails and existing fence at **96 Shaker House Road**. Owner present. Katherine Crowley, an abutter across the street at 95 Shaker House Road, also present. This application had been filed to clear a violation (unapproved installation of deck railings and fence). Mr. Boynton explained that the deck rails were Azek as requested on his original exemption application (which had previously been approved); therefore, he felt that there was no violation with the deck railings. Mr. Gegenwarth said that the exemption application asked for Azek decking and said that the new railings would be "like for like" with the old ones which were wood; these railings different in style and material. Ms. Swenson noted that the new rails were shiny like vinyl, not low luster. Mr. Boynton gave a sample of the railings to the members. The members remarked that the railings did not look like Azek, but rather like plastic. Mr. Boynton explained that he thought he had followed the approved application and that he had installed the new railings to save on upkeep. Since the railings were on the back of the house, Ms. Swenson asked, if the Committee approved the railings, would Mr. Boynton be willing to plant evergreens to make them invisible from West Yarmouth Road. Mr. Boynton said that he would be willing to do so. This requirement became **Amendment #1: Evergreen trees will be planted on the West Yarmouth Road side of the house to block the view of the deck.**

The Committee then moved on to the fence violation. Mr. Boynton explained that he had replaced a rotted wooden fence with what he believed to be an appropriate-style fence in white vinyl. Because he had only owned his house for a few months when he installed the fence, he had not been aware of the District's requirements for fence applications and restrictions on vinyl fences. Mr. Boynton gave the members a sample of the fence material; he had sanded one side to show what it would look like with the gloss removed. He asked the members if sanding the whole fence in the same way would be acceptable. The sample was passed among the members for their review. Ms. Courcier remarked that the sample still looked "very plastic." Mr. Gegenwarth stated that the surface should still need to be painted in a flat or matte white color. He suggested using a paint additive to retard mold growth. At this point, Ms. Crowley, a neighbor from across the street, moved up to the front table and voiced her support for the fence. She felt that it was a great improvement over the former fence and did not object to the plastic appearance. Mr. Gegenwarth explained that the Committee tries to keep the District looking more like the "old Cape Cod" that attracts visitors and residents alike to the area. To that end, the Committee finds wooden fences to be more rustic than vinyl and, therefore, more appropriate to the setting. Mr. Boynton asked if the Committee would allow him just to sand the fence. If too much mold or moss grew on it, he would then paint it. The members did not agree to this request and restated their decision that the fence must be painted. Mr. Boynton agreed to sand and paint the fence, but also stated that he would take the fence down completely if the paint did not hold up on it. Ms. Courcier stated that he could do that if he so decided. The requirement to paint the fence became **Amendment #2: The fence in front of the house will be sanded and painted white with a low- luster paint.** Ms. Swenson then moved to approve with the two amendments listed above; Ms. Courcier seconded. **APPROVED AS AMENDED (2 Amendments): 4-0-0**

11-A023 Christopher Hatch (owner), Vasco Nunez (agent); 6 replacement windows at **114 Cranberry Lane**. Owner present. Mr. Hatch explained that he wanted to replace all 5 front windows and 1 rear window (bottom right) with Andersen 400 series Finelite windows (grilles between the glass). Windows will all have 6/6 grilles. The 5 front windows will have the same rough opening as existing. The rear window will be the same width as existing, but slightly shorter to accommodate kitchen counters and backsplash. All windows will be white and will have full screens. Ms. Courcier moved to approve as presented; Mr. Peat seconded. **APPROVED: 4-0-0**

EXEMPTIONS: None

MINOR CHANGES: None

MINUTES: December 13, 2010 **APPROVED**

February 14, 2011 **APPROVED**

VIOLATION UPDATES:

1) **2 Amy Lane**– Plastic fence. Violation notice sent to owner on record. Owner contacted OKH office to report that she sold the house last fall and was not the person who installed the fence. She gave the office

administrator the names and addresses of the new owners, who will be sent a violation notice this week.

Update 2/28/11: Violation letter and application packet was sent to new owners today.

2) 96 Shaker House Road – Plastic railing and fence. Violation letter sent to owner. Owner contacted OKH office to find out how to clear violation. The plastic railing is on a deck that was approved by OKH; new railing was not. Owner had previously asked for the railing to match existing railing, which had been a slightly different style and made of wood. Certificate of Appropriateness application was never filed for vinyl fence in front of house. **Owner has submitted C/A application and will be on February 28th OKH agenda. Update 2/28/11:** Owner attended 2/28 meeting to clear violation (see C/A #11-A022 above). Violations officer will check in early May to make sure that the work has been completed. **Item will be moved to Watch List until work has been completed.**

WATCH LIST:

1) 34 Arthur Lane – White plastic fence along driveway. Violation letter sent to owner, who contacted the OKH office and has agreed to remove the fence. Has asked for permission to have until April 1, 2011, to get it removed due to frozen ground. Violations officer will check in April.

2) 28 Old Church Street – No grilles in windows. Violation letter sent to owner, who sent reply to office. Owner's agent has also contacted OKH office to say that the grilles are a special order that will take 5 weeks to be delivered; they will be installed as soon as they are received by him. Violations officer will check late March-early April to see if grilles have been installed.

3) 16 Outward Reach – No grilles in windows. When replacement windows were approved on March 8, 2010, 6/6 grilles were required to be installed. Violation letter sent to owner. Owner's agent has contacted OKH office. Current agent is third one involved with this project. He simply installed windows that had already been purchased without the grilles between the glass. Agent wants to know if Committee will allow the homeowner to purchase snap-in grilles since the windows are already installed. Ms. McLaughlin explained that, if the Committee agrees to the change, either he or the homeowner will have to sign a Statement of Understanding specifying that the grilles must stay in the windows and cannot be removed at a later date. Violation officer will check late March-early April to make sure that grilles have been installed.

4) 68 Pheasant Cove Circle – Contractor for this location was cited with a violation concerning the size of the retaining wall that had been constructed; the Committee had agreed to a much lower wall. The contractor explained that the size of the wall had been determined by problems encountered with the septic system. The contractor agreed to back fill up to three courses of bricks to minimize the wall's size and to plant rosa rugosa (when weather permits) to soften the wall's appearance. Violation officer will check by early May to make sure that work has been completed. **The Chairman asked Ms. McLaughlin to send notice to the contractor that the Committee would inspect the property in early May to make sure that the required work had been completed.**

OTHER BUSINESS:

486 Route 6A—Chimney on National Register home has deteriorated and is in danger of falling. Wants okay just to take down; will be on March 28 agenda for approval of rebuild. **APPROVED**

2011 Membership List – The updated 2011 list was distributed to the members.

Community Development Update – Ms. McLaughlin updated the members concerning budget issues related to the upcoming retirement of the Conservation Administrator. She informed them that many of the office/clerical issues would be handled by the Board of Appeals Office Administrator and herself. She asked for their consideration as she adjusts to handling the additional workload a third committee will provide.

CORRESPONDENCE: None

MEETING ADJOURNED: 8:45 PM

NEXT MEETING: Monday, March 14, 2011

