

On 4/24/2023 on a motion by Ms. Argo and seconded by Ms. Ecker, the Committee voted 4-0-1 to approve these minutes, with Vice Chair Ventrone abstaining

YARMOUTH TOWN CLERK

**TOWN OF YARMOUTH  
OLD KING'S HIGHWAY HISTORIC DISTRICT COMMITTEE  
MINUTES – Monday, April 10, 2023 - Final**

'23APR25PM4:13 REC

The Old King's Highway Committee met in person, with a Zoom option for participants. **Members Present:** Chair Robert Wilkins, Member Elizabeth Argo, Member Cindy Ecker, Alternate Member Steven Flack, Alternate Member John Stuart **Absent:** Vice Chair Richard Ventrone and Member Paula Morrison **Staff Present:** OKH Administrator Lisa Sherman

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

**1. 23-A028 Ivaylo Ninov (Owner) and Vladislav Todorov (Agent): To expand the front deck at 26 Stoney Hill Drive**

Ivaylo Ninov (owner) was present. There is a small existing deck at the front door with a small retaining wall. This request is to expand the deck nine feet.

Ms. Argo asked if this door is the main entrance to the house. Mr. Ninov said there are three entrances, and this one is used as the main one. This extension will level out the area in front of this door to eliminate the current stairs.

Chair Wilkins asked if the extension will come forward towards the street, and Mr. Ninov said yes; there will be no changes to the sides of the current deck.

No abutters present and no additional public comment.

Mr. Stuart moved to approve the application as submitted and was seconded by Ms. Argo. The motion passed unanimously, 5-0-0 **APPROVED**

**2. 23-A029 Erik Weller (Owner) and Pine Harbor Wood Products (Agent): To construct a shed at 67 Longfellow Drive**

Jamie McGrath (agent) was present. Mr. McGrath stated this request is to replace an existing shed. The current shed is 8x10. The new shed will be 10x15. It is the Cape Codder design. It will have a door, window, and gray composite siding on the front. The roof will be Pewterwood to match the house.

Chair Wilkins asked if part of this request is to demolish a shed; yes, the existing shed will be removed. Chair Wilkins said there are usually two requests needed: a demolition request and a replacement request.

No abutters present and no public comment

Mr. Stuart moved to approve the demolition of the current shed and was seconded by Ms. Argo. The motion passed unanimously, 5-0-0. **APPROVED**

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Mr. Stuart moved to approve the replacement shed and was seconded by Ms. Argo. The motion passed unanimously, 5-0-0. **APPROVED**

**3. 23-A030 Judith and Mark Link (Owners) and Ocazo Construction (Agent): To expand the main bedroom at 18 North Sandyside Lane**

Mark and Judith Link (owners) were present. This request is to bump out the front of the main bedroom for a walk-in closet. There is currently a small and a larger window in place; the addition will have two windows the same size. The addition will not come forward of the current front façade.

Ms. Argo asked if the new windows will match the current front windows. Ms. Link replied they would.

Ms. Ecker asked about the pitch of the new roof. Mr. Link said the new roof will be 4/11; the pitch is determined by the window.

Mr. Flack asked if the grilles in the new windows will match the current window grilles in the front of the house; they will.

No abutters present and no public comment.

Ms. Argo moved to approve the application as submitted and was seconded by Mr. Stuart. The motion passed unanimously, 5-0-0 **APPROVED**

**4. 23-A031 James and Linda Langlois (Owners) and Cape Cod Renovation (Agent): To replace front steps and two sliders at 34 Cottonwood Street**

James Langlois (owner) was present. This request is to replace the current front steps with Azek; the current steps are falling apart and are a hazard. In addition, two sliders in the rear of the house need to be replaced; the current sliders were installed in 1978. The sliders will look the same as the current sliders.

Mr. Flack asked if there is brick currently at the bottom of the stairs; yes, the brick was replaced a few years ago. Mr. Flack also asked if the bannisters on the new stairs will be white, and Mr. Langlois replied they would be.

Chair Wilkins asked about the material of the bannisters. Mr. Langlois isn't sure. Chair Wilkins said that vinyl is not permitted. Mr. Langlois said he would ensure vinyl is not used.

No abutters present and no public comment.

Ms. Argo moved to approve the application as submitted and was seconded by Mr. Stuart. The motion passed unanimously, 5-0-0 **APPROVED**

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**5. 23-A032 Peter Q. Smith (Owner) and Southern New England Windows (Agent): To replace seven windows and one patio door at 21 Perch Pond Way**

Paul McLean (agent) was present. This is a like for like replacement; the current windows are Anderson windows.

Ms. Argo asked why the windows are being replaced. Mr. McLean said the current windows are 30 years old and no longer efficient.

Chair Wilkins asked about the replacement window style. Mr. McLean replied the replacements will be thermal, double pane windows. Chair Wilkins asked if the grilles will be between the glass and Mr. McLean said they would be, which is the same as the current windows.

Ms. Ecker asked if the sashes will be the same size. Mr. McLean said the new sashes will be slightly smaller.

No abutters present and no public comment.

Ms. Argo moved to approve the application as submitted and was seconded by Mr. Stuart. The motion passed, 5-0-0 **APPROVED**

**6. 23-A033 Sandra Fruean (Owner) and Southern New England Windows (Agent): To replace two windows at 416 Weir Road**

Chad Lohr (agent) was present. This request is to replace two windows with similar windows. Same color, size, etc.

Ms. Argo asked if the new windows would have grilles. Mr. Lohr replied they would not; the current windows do not have grilles.

No abutters present and no public comment.

Ms. Argo moved to approve the application as submitted and was seconded by Mr. Flack. The motion passed unanimously, 5-0-0 **APPROVED**

**7. 23-A034 Joseph Quinn (Owner): To build a shed at 106 Pheasant Cove Circle**

Joseph Quinn (owner) was present. Mr. Quinn stated this request is to build a 10x14 shed on the back rear corner of the property. The shed will be of white pine with white cedar shingles. The door will be centered with a window on either side, and there will be double doors on the back of the shed.

Chair Wilkins said the shed will barely be visible from Windswept or Pheasant Cove Circle; Mr. Quinn replied that is correct. Chair Wilkins said that's too bad since this is a nice shed.

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Mr. Flack asked if the shed would have shutters. Mr. Quinn said it would have white shutters. There are no shutters on the house; the shutters could be removed from the shed plans if the Committee requested. Chair Wilkins said that decision is up to the owners. Mrs. Quinn wants shutters so the decision has been made.

No abutters present and no public comment.

Ms. Argo moved to approve the application with shutters as submitted and was seconded by Ms. Ecker. The motion passed unanimously, 5-0-0 **APPROVED**

**8. 23-A035 Ellen Latour (Owner) and Sunrun Installation Services (Agent): To install 12 solar panels on the front roof of 39 Wild Rose Terrace**

Steve Kelly (agent) was present. He noted the array is square, black on black, on the front of the house.

Ms. Ecker stated that the front of the house faces east; why can't the panels be located on the west and south roofs. This house is the same orientation as the house across the street that has panels on the west and south-facing roofs. Mr. Kelly replied he's not sure why the other roof surfaces weren't considered. Ms. Argo suggested Sunrun take a look at that option.

Chair Wilkins pointed out that Wild Rose Terrace is a cul-de-sac, but Azalea Lane is not. The panels would be clearly visible. The roof has a low pitch, but they would still be conspicuous. The Committee would consider a plan to relocate the panels to the rear.

Mr. Kelly said he would go back and determine why the rear wasn't considered. Ms. Argo requested he also show the differing efficiencies between this current plan and a new plan.

Mr. Stuart stated he thinks more panels could be located on the back roof.

No abutters present and no public comment.

Mr. Stuart moved to table this application and was seconded by Ms. Argo. The motion passed unanimously, 5-0-0 **TABLED**

**9. 23-A036 John Beach (Owner) and Second Generation Energy LLC (Agent): To install 25 solar panels on the front and rear roofs of 22 Winter Street**

John Beach (owner) and Dave Simmer (agent) were present. Mr. Simmer stated the request is to install solar panels on the front and rear of the house. All the panels are black and low profile. Panels are needed on the front and back so Mr. Beach gets the power he needs.

Chair Wilkins read a letter into the record opposing the installation of solar panels on the front of this house. He asked Mr. Simmer if there is a compromise possible on the front array.

Mr. Simmer isn't sure what is meant by a compromise. Mr. Beach is requesting premium panels to combat high energy bills. He maintains beehives so adds to the quality of living in

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neighborhood. Mr. Beach stated that he recently installed mini-splits and wants to contribute to the environment.

Chair Wilkins asked if ground mounted solar panels would work. Mr. Simmer stated that there are often issues with setbacks with ground mounted panels. Ground mounted panels are more expensive and he's not sure there is enough room on the property for this type of panel.

Mr. Simmer pointed out that this plan includes a solar skirt on the lower edge of the panels that hides them more than a normal array. It attaches to the array at an angle.

Mr. Stuart said there are two other roofs in the rear of the house; why can't those roofs be used for solar panels. Mr. Simmer said one roof is shaded by the other roof. The plan calls for using the maximum number of panels on the rear roof and the minimum needed for efficiency on the front. Mr. Stuart said the house across the street has panels on the front on a flat roof and the house is set back from the road. This house is right on the street.

Chair Wilkins said this house is located in a sensitive part of the district and is close to the street. Mr. Simmer said it feels strange to him that some houses can have solar and others can't. Mr. Stuart said the house is located in an historic district. If it were set back from the road or had trees blocking the view from the street the situation might be different.

Ms. Argo said she is in favor of solar. "Preserve" means the ability to restore to its original condition. Solar panels can be removed and the property restored. We need to keep in mind that people are stressed by power prices and are trying to do the right thing. We need to take action and move forward with renewable energy.

Mr. Stuart stated that the Committee is an architectural review board and there is nothing in the application that indicates the solar panels will be removed. Ms. Argo said the panels could be removed in the future. Mr. Stuart said this is an historic district and the rules are applied the same way to all.

Mr. Simmer stated that there are electric poles and transformers all over the district and no one notices them. Residents are being limited by not allowing solar panels to be installed.

Chair Wilkins suggested a compromise. If the Committee votes not to allow the panels on the front roof, the resident will get some efficiency. The Committee has a very specific mandate to preserve the character of the historic district. The Committee is also charged with reviewing renewable energy requests. If the renewable energy request is at odds with the mandate, the mandate can't be ignored. He suggested SGE go back and redesign the array to remove the panels from the front roof.

Mr. Simmer said there isn't an option in this case; in order to get the efficiency the homeowner needs, there need to be panels on the front roof.

Chair Wilkins suggested Mr. Simmer take the recommendation to redesign the plan without the front panels, or the Committee can vote on the application as it currently stands. Ms. Argo encouraged Mr. Simmer to allow the Committee to table the application so SGE can review to determine if the panels can be removed from the front roof.

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Mr. Simmer said it seems the homeowner has no legal rights in this situation. Mr. Flack said that is a misstatement; the homeowner has the right to appeal the Committee's decision. Mr. Simmer said panels need to be on the front and back roofs or the plan won't work. Mr. Beach asked what the advantage is of tabling the application. Chair Wilkins responded that tabling provides the opportunity for SGE to revisit the plan to see if the panels can be removed from the front and still provide the efficiency needed. He said it's worth your while to take this route to see if that will work.

Mr. Beach said the house across the street has solar panels in front so that is a precedent. Chair Wilkins responded that the Commission's lawyer has said that the Committee is not bound by precedent. In addition, the solar panels on the house across the street were declined by the Committee, but the Committee decision was overturned by the OKH Commission and approved.

Mr. Simmer asked about the appeal process. A decision can be appealed to the OKH Commission which is made up of the chairs of the six town OKH committees. It is a legal proceeding and the owner and agent can appear at the Commission hearing to have the decision appealed if they want to take that step.

Mr. Simmer said the plan proposed is the only way to gain enough efficiency; it's not worth it to remove the front panels since there are only nine panels on the rear roof.

No abutters present and no additional public comment.

Mr. Stuart moved to deny this application and was seconded by Ms. Ecker. The motion passed, 3-1-0, with Ms. Argo voting to approve the application; Mr. Flack recused himself  
**DENIED**

### **Tabled Item**

#### **1. 23-A027 Uillian Da Silva (Owner): To build a shed at 83 Sisters Circle**

Ms. Argo moved to untable this application and was seconded by Mr. Flack. The motion passed unanimously, 5-0-0.

Uillian Da Silva (owner) was present. The request is to build a 10x15 shed. The roof will match the house roof, and the shed will be Cape Cod gray. There will be two windows on the front.

Ms. Argo asked if the roof will be metal; Mr. Da Silva replied it will be asphalt.

Mr. Flack asked if the window grilles on the shed will match those on the house. Mr. Da Silva replied they will.

Mr. Stuart asked what color the roof will be. Mr. Da Silva replied it will be charcoal gray.

Ms. Ecker asked about the siding material. Mr. Da Silva replied the trim will be Azek and the siding Hardie plank.

Chair Wilkins said Sisters Circle is almost exempt, and this shed will be hardly visible from the street.

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Ms. Ecker requested that an amendment be added to note that the shed will have clapboards and an asphalt roof, and the windows will match the house. Ms. Argo completed the amendment form.

No abutters present and no public comment.

Ms. Argo moved to approve the application as amended and was seconded by Mr. Stuart. The motion passed unanimously, 5-0-0 **APPROVED**

**Informal Review:**

**1. 7 Duck Pond Road Karyn and Ken Corti (Owners) and David Suvak (Agent)**

David Suvak (agent) was present. He said the homeowners want to enlarge the kitchen and modernize interior spaces. The request includes a new roof structure to make a Cape style house. The existing colors will be maintained, the trim will be white, and the windows 6/6. He's looking for feedback on the design prior to finalizing and applying for approval.

Chair Wilkins pointed out that the house is on a cul-de-sac and there is only one house across the street, so only the front elevation will be visible. This is a major upgrade aesthetically and harmonizes well with the neighborhood.

Mr. Suvak said he wants to carry the red to the gabled ends and make the upper part shingles. The roof will be standing seam in one area.

Chair Wilkins asked if solar panels are proposed as part of the project. Mr. Suvak said the homeowners would like to install solar panels on the east facing and rear roofs, but a solar company would have to design a plan. Chair Wilkins asked if the chimney functions; Mr. Suvak said it does and will remain.

Ms. Ecker stated she likes the look of the design.

Mr. Stuart asked about the porch and garage. Mr. Suvak replied that the porch and garage are offset; the garage steps out further than the porch.

Ms. Argo asked about the square footage add of the addition. Mr. Suvak isn't sure. Ms. Argo noted the square footage doesn't have any bearing the Committee's review, she was just curious.

Mr. Stuart asked if the red would be carried up; Mr. Suvak said he plans red shingles above for different texture and the same red on the dormers.

Ms. Argo asked if the roof will be black across the front. Mr. Suvak said there will be a black standing seam roof.

Ms. Ecker asked if the rear will be all white cedar shingles, and Mr. Suvak replied yes since that is the current siding in the rear.

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Chair Wilkins asked if the new windows will be the same size as the existing windows. Mr. Suvak said they would be Anderson windows to match what's there with 6/6 grilles.

Chair Wilkins said he's optimistic this plan will be successful. The solar looks good because it will be invisible on the rear and the garage array would qualify as minimally visible.

Mr. Suvak asked if Azek for decking and railings is permissible. Chair Wilkins said composite materials are fine but no vinyl.

### **OKH Meeting Minutes Approval**

Ms. Argo moved to approve the March 27, 2023 minutes. The motion was seconded by Mr. Flack. The motion passed unanimously, 3-0-2, with Ms. Ecker and Mr. Stuart abstaining.

### **Other Business**

Mr. Stuart suggested the ongoing agenda items related to historic preservation and OKH violations be carried forward until resolved.

**Next Meeting:** April 24, 2023

### **ADJOURNMENT**

Ms. Argo moved to adjourn the meeting. Mr. Stuart seconded the motion. The motion passed unanimously, 5-0-0. **ADJOURNED** at 8:54 PM

Robert Wilkins, Chair, Yarmouth OKH Historic District Committee

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