

Old King's Highway Regional Historic District Commission  
 First District Courthouse, Barnstable, Mass. 02630 Telephone: 617-362-4092

Frank Emery,  
 Appellant  
 vs.  
 Old King's Highway Regional  
 Historic District Committee  
 in the Town of Barnstable

DECISION  
 No. 80-10

A hearing was held on October 1, 1980, by the above Commission upon an appeal by the appellant from a decision of the Barnstable Historic District Committee granting a Certificate of Appropriateness to Priscilla M. Gould allowing the construction of an outside staircase and deck on property located at 4352 Route 6A, Cummaquid, Mass.

Present were Mr. MacSwan, Barnstable, Mr. Hanger, Dennis, Mr. Ivers, Brewster, Mr. White, Sandwich, Mr. Nickerson, Yarmouth, Attorney Wilson, Attorney Burling (appellant's attorney) and Mr. Emery.

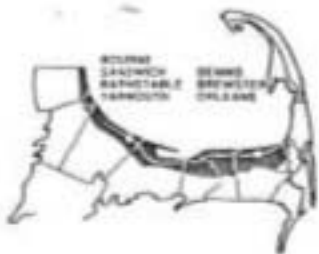
Copies of the plans of the proposed stairs were submitted to the Commission members prior to the hearing. Additionally the members viewed the site prior to the hearing.

The decision of the Town Committee was filed September 2, 1980, and the appeal entered with the Commission on September 11, 1980.

Mr. Emery's position as an interested party is that of an abutter.

Mr. MacSwan reviewed the history of the application by stating that in July the application had been disapproved on the belief that the design and style of the proposed deck and staircase was inappropriate to the area and would have a detrimental impact on the neighborhood. However, the applicant re-applied to the Committee and indicated that the staircase was essential in order to obtain the approval of the Building Inspector for the use of the premises as a rooming house. The applicant, at the time of the hearing indicated that the Building Code required a second exit from the second floor in the event of fire or emergency. Based upon this information, the second application was approved by the Committee.

Attorney Burling indicated that he felt the Committee erred in approving the second application because it would damage the appearance of the house and adversely effect the neighborhood. He indicated that he felt the Committee made the proper determination the first time and that the new use of having boarders should not be a basis for destroying the visual assets of the property.



Old King's Highway Regional Historic District Commission  
First District Courthouse, Barnstable, Mass. 02630 Telephone: 617-362-4092

Mr. Hanger pointed out that the plans lacked a clear description of the type of material to be used in the stairs and deck and generally criticized the over-all application for failure to be more specific in describing the project.

Mrs. Gould indicated that in talking with the Building Inspector she had learned that a wrought iron staircase would be a possible alternative with considerable less impact on the appearance of the building.

After further discussion and review, the Commission makes the following findings:

- (1) The Town Committee erred in its determination that the deck and stairs were appropriate.
- (2) The size, dimension and style of the proposed stairs and deck were inappropriate.
- (3) That no hardship will be created by the denial of the application as alternatives are available to the applicant.

Wherefor the decision of the Barnstable Committee granting a Certificate of Appropriateness is annulled and the decision denying the Certificate of Appropriateness is hereby entered.

The parties were advised that they may appeal this decision by filing an appeal with the First District Court of Barnstable within twenty (20) days of the date hereof.

Respectfully submitted

Elliott B. MacSwan  
Chairman

Dated: October 10, 1980