

Old King's Highway Regional Historic District Commission
First District Courthouse, Barnstable, Mass. 02630

Telephone: 617-362-4092

CLERK
BARNSTABLE, MASS.

JUL 9 1981

KATHRYN ARKUS)
 Appellant)
VS)
))
THE OLD KING'S HIGHWAY)
REGIONAL HISTORIC DISTRICT)
COMMITTEE FOR THE TOWN OF)
BARNSTABLE)

DECISION
Case No. 81-7

A hearing was held on July 7, 1981 by the above Commission on an appeal filed by Kathryn Arkus from the decision of the Barnstable Historic District Committee approving a Certificate of Appropriateness which allows Luther M. Strayer, III to place an 80-foot Pinson wind generator device on property located on Route 6A in Cummaquid, Massachusetts.

Present were Mr. Hanger, Dennis, Mr. Ivers, Brewster, Mr. Long, Yarmouth, Mr. MacSwan, Barnstable, Mr. Sutton, Sandwich, Mr. Brown, Orleans, James R. Wilson Commission counsel, Attorney Rougeau for the appellant, and Attorney Alger for the applicant.

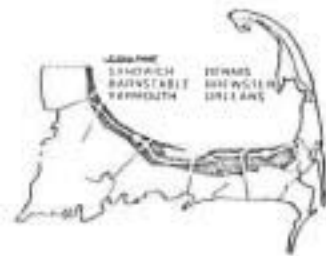
The decision of the Town Committee was filed with the Town Clerk on May 28, 1981, and the appeal entered with the Commission on June 8, 1981, within the ten day appeal period.

Mr. MacSwan turned the hearing over to Mr. Hanger, the Vice-Chairman and indicated that because he had sat on the hearing at the local level he felt it would be appropriate to disqualify himself at the Commission hearing.

All of the Commission members, except Mr. Brown, indicated that they had previously visited the site and had reviewed the appeal and related documents.

Pictures of the proposed Rhone tower and Pinson wind generator were shown to the Commissioners. Additionally, a plot plan showing the location of the proposed tower as well as various photographs of the area were shown to the Commission.

Attorney Rougeau stated that it appeared as though the new guidelines adopted by the Commission had not been properly applied by the Barnstable Committee and the structure had not been located as far as possible from Route 6A. He indicated that the applicant owned land to a distance of over 600 feet and indicated a 300 foot setback was insufficient to comply with the guidelines. He further analogized to that of Sleeper's radio tower that was denied by the Dennis Committee to the regional Commission. He suggested that the area had substantial historic significance and offered an historic inventory report



Old King's Highway Regional Historic District Commission

First District Courthouse, Barnstable, Mass. 02630

Telephone: 617-362-4092

on his client's house. He further argued that an 80-foot tower located in the neighborhood would have a permanent detrimental impact on property values and the visual aesthetics of the neighborhood.

Mr. MacSwan addressed the Commission and stated that the Committee felt that they did apply the guidelines properly and that the proposed tower would be screened by trees and houses. He stated that while the appellants' view from their backyard would be adversely effected, the view from Route 6A would not be significantly effected.

Attorney Alger addressed the Commission and stated that the height of the tower was mandated in order to retain steady and consistent wind currents for the operation of the tower. He further indicated that the tower would be suitably hidden behind trees and other structures so as to minimize its impact.

Based upon the evidence before the Commission, it makes the following findings:

1. That the local Town Committee properly applied the guidelines in approving the tower in its present location.
2. That the Committee did not err and that the decision of the Committee is affirmed.

The applicant was advised that she may appeal to the First District Court of Barnstable within twenty days from the filing of this decision with the Barnstable Town Clerk.

William G. Hanger
William G. Hanger, Vice-Chairman
W.G.H.

July 8, 1981