



Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

Telephone: 617-775-1766

RECEIVED

MAY 30 1984
2:35 p.m.
TOWN OF BREWSTER
J.S.

STEPHEN B. and
MICHELE A. ROWAN

vs.

DECISION #84-6

OLD KING'S HIGHWAY REGIONAL
HISTORIC DISTRICT COMMITTEE
FOR THE TOWN OF BREWSTER

On May 24, 1984 the Commission held a hearing on an appeal filed by Stephen B. and Michele A. Rowan seeking review of denial of a Certificate of Appropriateness by the Brewster Committee to the placement of a sign on property located at 2553 Main Street, Brewster, Massachusetts.

Present were: Mr. Sutton, Sandwich; Mr. MacSwan, Barnstable; Mr. Hanger, Dennis; Mr. Montgomery, Brewster; Attorney Richard Perry (applicants' attorney); Mr. and Mrs. Rowan, Malcolm Wells (applicants' architect) and Attorney Wilson, Commission Counsel.

The decision of the Brewster Committee was filed with the Town Clerk on May 10, 1984, and the appeal entered with the Commission on May 11, 1984 within the ten-day appeal period. All of the members of the Commission indicated that they had visited the site.

Attorney Perry addressed the Commission, and stated that he felt the Committee erred in basing its decision on zoning factors rather than the criteria set forth in Section 10 of the Act. He indicated that he felt the decision was arbitrary and capricious because the Committee adopted a position that if a proposed sign violated zoning it must be determined inappropriate. He further indicated that there were other signs of a larger nature in the neighborhood, and that the proposed sign appeared to be in harmony with the character of the neighborhood. He further indicated it would be a hardship to his client to not be able to have an eleven square foot sign.

Mr. Montgomery indicated that size was a very important factor in determining appropriateness, and that while they did follow the zoning size that he felt that the proposed sign had really been turned down because it was too large.

After reviewing the plans and further discussion, the following decision was made:

1. That the Brewster Committee erred in denying the application when it based its determination on zoning.

Decision #84-6 (cont.)

2. That the proposed sign, if restricted to ten square feet, is appropriate under Section 10 of the Act.

Wherefore, the Commission hereby annuls the denial, and grants a Certificate of Appropriateness for the placement of the proposed sign provided that the sign with its drop not exceed ten square feet in area. (Vote 3-0-1)

The parties are advised that any person aggrieved by this decision may appeal to the Orleans Court within twenty days of the filing of this decision with the Town Clerk.

Respectfully submitted,

George Sutton
Chairman