



Old King's Highway Regional Historic District Commission
P.O. Box 279, Hyannis Mass. 02601
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ARLENE and ALVIN C. OPPENHEIM

v.

Decision #85-13

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

On Tuesday, June 24, 1986 the Commission held a hearing on Appeal #85-13 filed by Arlene and Alvin C. Oppenheim seeking review of the denial of a Certificate of Appropriateness for the reconstruction of a shed located at 2440 Main Street, Barnstable, Massachusetts.

Present were: Mr. MacSwan, Barnstable; Mrs. Stout, Dennis; Mr. Blaisdell, Sandwich; Mr. Smith, Yarmouth; Mr. Ivers, Administrative Assistant; Mr. Wilson, Commission Counsel, Mr. Jansson, attorney for applicants; Mr. and Mrs. Oppenheim and Mrs. Anderson, Barnstable Historic Commission.

The Committee's decision had been filed on November 22, 1985, and the appeal entered with the Regional Commission on December 2, 1985 within the ten day appeal period. At the request of the applicants various extensions for the time of hearing the appeal had been requested and granted.

Mr. Jansson addressed the Commission and stated that the shed was reconstructed substantially the same as the pre-existing shed which had been destroyed by Hurricane Gloria. The principle difference in design were the three 76" by 32" skylights that had been placed on the roof of the shed. Mr. Jansson, through photographs and other exhibits, argued that skylights were a common feature of the District, and pointed out that his clients had spent more than \$50,000.00 renovating the adjoining barn and building the shed. He indicated that his clients, in good faith, tried to reconstruct the shed so as to be compatible with the guidelines of the Regional District, and suggested that they were unaware of any need to obtain prior approval for the project.

Mr. MacSwan, speaking on behalf of the Barnstable Committee, stated that his Committee denied a Certificate of Appropriateness because they felt the skylights were too large and not in harmony with either the buildings or skylights in the area.

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#85-13 (cont.)

Pat Anderson, speaking on behalf of the Barnstable Historic Commission, spoke in opposition to the Certificate of Appropriateness suggesting that the approval of the shed with the skylights would destroy the historical setting and appearance that the older buildings had represented. She indicated that the large amount of glass was more like a greenhouse than a shed.

After lengthy discussion the Commission made the following findings and determinations:

1. That there was sufficient evidence to support the Committee's determination that the shed with its three large skylights was not compatible with the intent and purpose of the Act.
2. That the Committee did not exceed its authority in denying a Certificate of Appropriateness to the applicants.

Therefore, the decision of the local Committee is hereby affirmed.

Any person aggrieved by this decision has a right to appeal to the District Court Department, Barnstable Division within 20 days of the filing of this decision with the Barnstable Town Clerk.

Anne Stout (v)

Anne Stout
Chairman

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