



Old King's Highway Regional Historic District Commission  
P.O. Box 279, Hyannis Mass. 02601  
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PAUL FITZGERALD and ANNE FITZGERALD

v.

Decision #85-14

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

98 JAN -8 PM 3 59  
TOWN CLERK  
BARNSTABLE, MASS.

On Tuesday, January 7, 1986 the Commission held a hearing on Appeal #85-14 filed by Paul and Anne Fitzgerald seeking review of a decision by the Barnstable Historic District Committee which had denied a Certificate of Appropriateness for the construction of a two-story addition to a cottage located at 91 Salton Point Road.

Present were: Mr. MacSwan, Barnstable; Mr. Nickerson, Yarmouth; Mrs. Stout, Dennis; Mrs. Cady, Brewster; Mr. Wilson, Commission Counsel, Mr. and Mrs. Fitzgerald, the applicants, Attorney Jerome Forman, Mr. Shuman, architect, and various interested parties from the neighborhood.

The Committee's decision had been filed with the Town Clerk on November 22, 1985, and the appeal entered with the Commission on December 2, 1985, within the ten-day appeal period.

All members of the Commission indicated that they had visited the site and were familiar with the neighborhood. Plans of the proposed addition were submitted to the Commissioners by the applicants.

Attorney Forman addressed the Commission on behalf of the applicants and stated that the addition was compatible with the requirements and guidelines of the law, and asked the applicants' architect, Mr. Shuman, to describe the proposed addition for the Commissioners.

The applicants, through their agents, explained that the addition would be of traditional design and style, compatible with the other houses in the development. Photographs of other houses in the neighborhood were shown to the Commissioners.

Mr. MacSwan spoke on behalf of the Barnstable Town Committee and read the Minutes of his Committee's meeting, and stated that the two-story addition was not compatible with the immediate surroundings, and that the size and features of the proposed addition would contrast with the neighborhood. He indicated that the lots upon which there were other cottages in the immediate area were also small and similar in design to the applicant's present existing cottage. He

further indicated that his Committee felt that there was no hardship to the applicants by denying the request.

Dr. Snow, an abutter, stated that there were other cottages on small lots in similar condition to that of the applicants and voiced concern that allowing the applicants to construct the two-story addition would markedly change the character of this section of the neighborhood. He also voiced concern about the closeness of the cottage to the lot side line.

Manuel Correia, an abutter, stated that he was opposed to the proposed modification. Eleanor Calvin stated that she owned two of the other cottages in the immediate vicinity and that she was opposed to the change because of its impact on the neighborhood.

John Hagstrom, Betty Campbell and Alice Dexter, all neighbors, expressed their opposition to the proposed addition.

After lengthy discussion and based upon the information available to the Commission, the Commissioners made the following findings and determination:

That the Barnstable Town Committee did not err in denying a Certificate of Appropriateness for the proposed two-story addition.

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

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

*Walter Nickerson*  
Walter Nickerson  
Acting Chairman