



Old King's Highway Regional Historic District Commission

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HERBERT HOPS

v.

Decision #85-15

*g. j.*

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

On Tuesday, January, 7, 1986 the Commission held a hearing on Appeal #85-15 filed by Herbert Hops seeking review of a decision by the Brewster Historic District Committee which had denied a Certificate of Appropriateness for the alteration of an existing sign located at 1464 Main Street.

Present were: Mr. MacSwan, Barnstable; Mr. Nickerson, Yarmouth; Mrs. Stout, Dennis; Mrs. Cady, Brewster; Mrs. Reis, Brewster; Mr. Montgomery, Brewster; Robert G. Brown, Commission Counsel, and Mr. Peter McDowell.

The Committee's decision had been filed with the Town Clerk on December 10, 1985, and the appeal entered with the Commission on December 17, 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.

Mr. Peter McDowell addressed the Commission on behalf of the applicant and stated that the sign in question, including posts, would not exceed 7 feet in height or 5 feet, 6 inches in width. Mr. McDowell stated that the face area of the sign itself was 12 square feet. Mr. McDowell explained that the building had been approved for not more than 5 professional offices and that a larger sign was necessary to accommodate the possible several businesses, and that it would be a hardship to have to conform to only a 4 square foot sign for up to 5 businesses. Mr. McDowell said that he was reluctantly bringing up the possibility of a conflict of interest with regard to some members of the Brewster Committee. Mr. McDowell handed out copies of M.G.L. c. 268A and partial photocopies of the August 1985 membership roster of the Cape Cod Board of Realtors, Inc. Mr. McDowell alleged that the membership roster included names of members of the Brewster Committee and that as a result, there was a possibility that the application might not have been considered as fairly as it might have been. With regard to the Committee's opinion that the sign was not within the guidelines of the Historic District Commission Mr. McDowell made reference to the guidelines of the Commission and pointed out that the Applicant's sign was exactly 12 square feet and that the Commission guidelines referred to undesirable signs as being

greater than 12 square feet. Mr. McDowell introduced a zoning map of Brewster showing the location of various signs and also introduced photographs of various signs in Brewster. Citing a Sandwich case involving the Commission (White and Carr v. The Old King's Highway Regional Historic District Commission, No. 11987, September 1, 1978), Mr. McDowell stated that this sign would be compatible with others in Brewster.

Barbara Reis spoke on behalf of the Brewster Committee and stated that the decision had been rendered by the Committee in all fairness. Mrs. Reis stated that some of the signs relied upon by Mr. McDowell in his presentation were, in her opinion, illegal or had been granted by earlier Brewster Historic District Committees. Mrs. Reis stated that religious and charitable signs were generally exempt in Brewster and that the current Brewster Committee had a policy of following the Commission's guidelines of 4 square feet.

Mr. Nickerson asked if any of the spectators present had any comments. None of the spectators present had any comments regarding the appeal.

After great discussion the Commissioners and the parties present agreed that there was a possibility that a compromise could be worked out and that the matter should be remanded to the Brewster Committee.

Therefore, the decision of the Brewster Committee is hereby annulled and the matter remanded back to the local Committee for further review without prejudice.

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

*Walter Nickerson (sub)*

Walter Nickerson  
Acting Chairman

*g. 2*