



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

TOWN CLERK
BARNSTABLE, MASS.

JUN 29 1985
Telephone: 617-775-1766

OLD STAGE, INC.

vs.

Decision 85-8

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

On Thursday, June 27, 1985, the Commission held a hearing on Appeal #85-8 filed by Old Stage, Inc. seeking review of a decision by the Barnstable Historic District Committee which had denied a Certificate for Demolition for a barn that is located at 1064 Main Street, West Barnstable, Massachusetts.

Present were: Mr. MacSwan, Barnstable; Mr. Nickerson, Yarmouth; Mr. Hanger, Dennis; Mr. Blaisdell, Sandwich; Mr. Ivers, Administrative Assistant; Mr. Wilson, Commission Counsel; Alan Green, attorney for applicant and William Meagher of Old Stage, Inc. Also in attendance were various concerned citizens.

The Committee's decision was filed with the Town Clerk on June 6th and the appeal entered with the Regional Commission on June 12, 1985 within the ten day appeal period.

All members of the Commission indicated that they had visited the site, and were familiar with the barn and the neighborhood.

Mr. Green addressed the Commission and stated on behalf of the applicant that the appeal raised the following three issues:

1. That demolition of the barn was appropriate under the Act;
2. That denial of the Certificate for Demolition imposed a hardship on the applicant;
3. That the Committee had acted in an arbitrary and capricious manner.

Through the testimony of Mr. Meagher, owner of Old Stage, Inc., and the offering of three photographs of the barn, the applicant pointed out that the barn was in a deteriorating condition. Mr. Green offered evidence of dry rot and termite damage as well as indicating that the barn had no plumbing or other improvements. He further indicated that the building in its present condition was a hazard and an impediment to the proper development and utilization of the property.

Mr. Meagher indicated that it would cost more than \$55,000.00 to try and restore the building, and make it safe. He further indicated that the location of the barn would interfere with the proper development of the remaining property.

Mr. MacSwan, speaking on behalf of the Barnstable Committee, indicated that under the purposes of the Act, the protection and preservation of old buildings was an important factor to be considered in these types of applications. He pointed out that the building was more than 100 years old, and was listed on the inventory of historic buildings. He stated that the partial dismantling of the building which had already occurred had happened without approval by the Barnstable Committee, and that any hardship was imposed by the applicant.

Candice Jenkins pointed out that the building played an integral part in the history of the area in that it was more than 100 years old, and that as an outbuilding for the main dwelling it was essential for the preservation of the overall historical character of the property in question. She suggested that merely preserving the dwelling without its related barn or outbuildings would destroy the character of the premises.

Mr. Wertman, who did the survey for the Barnstable Historical Commission, testified that the barn was shown on the 1880 map as being owned by William Chipman, and that it was an important asset to be preserved.

Patricia Anderson read a letter from the Barnstable Historical Commission supporting the denial of a Certificate for Demolition for the barn.

Mr. Hanger noted that he had visited the site and observed the condition of the structure, and felt that in his opinion the building could be restored and/or maintained at a far less cost than the \$55,000.00 represented by the applicant. He further indicated that in his opinion a large part of the hazardous condition was the result of neglect by the owner and that to approve the Certificate would encourage demolition by neglect.

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

1. That the demolition of the barn would not be appropriate nor in harmony with the intent and purpose of the Act.

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2. That denial of the application will not constitute a legal hardship to the applicant within the meaning of the Act.
3. That the Barnstable Committee did not err in denying the Certificate for Demolition.

Therefore, the decision of the Barnstable Committee is 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 at the Barnstable District Court.

George Sutton
George Sutton, Chairman

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