



Old King's Highway Regional Historic District Commission
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IVA LIEBERT, TRUSTEE
WINKIR REALTY TRUST

v.

Decision #87-15

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

On Tuesday, July 7, 1987 the Commission held a hearing on Appeal #87-15 filed by Iva Liebert, Trustee, Winkir Realty Trust seeking review of a decision by the Yarmouth Historic District Committee which had denied a Certificate of Appropriateness for a sign for Winkir Instant Printing located at 923 Route 6A, Yarmouth Port, Massachusetts.

Present were Barbara Hart, Dennis; John Blaisdell, Sandwich; Milton Smith, Yarmouth; Michael Shay, Brewster; Peter Freeman, Barnstable; Robert Stewart, Barnstable; Robert G. Brown, Commission Counsel; Iva Liebert, Applicant; and Attorney James Quirk, Jr. for the Applicant.

The Committee's decision had been filed with the Town Clerk on May 29, 1987, and the appeal entered with the Commission on June 16, 1987.

Peter Freeman announced at the commencement of the hearing that although he would chair the hearing, in accordance with Article IV (1)(a) of the Commission Rules and Regulations, he would not be participating in the vote. He indicated that Robert Stewart of Barnstable would act as the Barnstable representative in this Appeal. Without objection the hearing continued.

Attorney Quirk appeared before the Commission on behalf of the Applicant and made reference to photos filed with the appeal on behalf of the Applicant. He stated that the Trustees of Winkir Realty Trust have requirements written into leases with their tenants so as to provide continuity with regard to signs. He stated that the sign that is being requested would be more in proportion to the building where Winkir Instant Printing is relocating than the sign which Winkir Instant Printing currently uses. Attorney Quirk described the sign as a simple sign setting forth a single message that was consistent with the surrounding environment and that would have, at best, an obstructed view from Route 6A. He said that the sign was not offensive or in any way less than desirable and that there was no objective reason for the sign request to have been denied by the Yarmouth Committee. He asked that the Committee's decision be reversed.

Milton Smith, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for denial. He described the sign as a new sign that was larger than the sign that was currently in use. He said that the Committee felt that the present sign was large enough to convey the message. He stated that the Committee has been trying to address the issue of signs in the District in that signs are showing a tendency of becoming bigger and bigger and that the issue would be more fully addressed upon the recodification of the Town of Yarmouth Sign Code. He mentioned that further expansion is planned at the site and that as the buildings are built and offices and retail spaces are filled, there will be more and more signs.

After lengthy discussion the Commission made the following determination.

1. That the Yarmouth Historic District Committee did act in an arbitrary, capricious and erroneous manner in denying the Applicants' Certificate of Appropriateness and that the Committee's decision be annulled and the matter be remanded to the Yarmouth Historic District Committee with directions to issue a Certificate of Appropriateness according to plans currently on file. 4-0-1

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 Yarmouth Town Clerk.

Peter L. Freeman (v)

Peter L. Freeman
Chairman