



# Old King's Highway Regional Historic District Commission

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CHRISTOPHER KAPP

v.

Decision #87-20

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

On Tuesday, August 19, 1987 the Commission held a hearing on Appeal #87-20 filed by Christopher Kapp seeking review of a decision by the Yarmouth Historic District Committee which had denied a Certificate of Appropriateness for the erection of a support for an electrical meter at 292 Route 6A, Yarmouthport, Massachusetts.

Present were Barbara Hart, Dennis; Robert DiMartile, Yarmouth; Michael Shay, Brewster; Peter Freeman, Barnstable; Robert G. Brown, Commission Counsel; Christopher Kapp, Applicant; and R.W. Svarczkopf, Electrical Contractor for the Applicant.

The Committee's decision had been filed with the Town Clerk on July 24, 1987, and the appeal entered with the Commission on July 24, 1987, within the ten day appeal period.

Christopher Kapp appeared before the Commission and explained that the house in question was an 18th century home that had been moved from Hyannis. He stated that after consultation with his electrical contractor it was decided to use underground utilities as overhead utilities might detract from the house's appearance. The installation was completed in mid-winter and he was unable to cover the meter support with shrubbery as he had intended. He was subsequently informed that a Certificate of Appropriateness was required for the installation of the meter. No one in the Building Inspector's office informed him of the need to apply for approval of the meter. Mr. Kapp stated that he was summarily denied approval for the meter despite the fact that he had begun to cover the meter with shrubs. All of the specifications of the Commonwealth Electric Co. were met. There are other such meters in the District and the denial of his meter would constitute an uneven application of the Committee's authority. He showed various pictures of the meter as it appears at present and asked that the decision of the Yarmouth Committee be reversed.

Rick Svarczkopf addressed the Commission, identifying himself as Mr. Kapp's electrical contractor and explained why the meter was installed in its present site.

Robert DiMartile, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for denial. He stated that the location of the meter was the main problem. He stated that Route 6A should be a showplace and that electrical meters of this type should not be visible. He said he did not think the Committee was in conflict with the Commonwealth Electric Co. in that there are no real specifications for the installation of meters of this type. He also expressed the concern that shrubbery was not permanent.

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 revised and that the Commission issue a Certificate of Appropriateness subject to the provision that the meter be obscured from public view with shrubbery and otherwise according to the terms of the Applicant's Appeal petition and plans currently on file.  
3-0-1

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