



Old King's Highway Regional Historic District Commission

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IVA LIEBERT

v.

Decision #87-21

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

TOWN CLERK'S OFFICE  
AUG 26 1987  
10:50

On Tuesday, August 19, 1987 the Commission held a hearing on Appeal #87-21 filed by Iva Liebert seeking review of a decision by the Yarmouth Historic District Committee which had denied a Certificate of Appropriateness covering the relocation of a sign from Building 1 to Building 7 located at 923 Route 6A, Sunflower Market Place, Yarmouthport, Massachusetts and the addition of a secondary sign to be placed at the second entrance at the same address.

Present were Barbara Hart, Dennis; Robert DiMartile, Yarmouth; Michael Shay, Brewster; Peter Freeman, Barnstable; Robert G. Brown, Commission Counsel; Iva Liebert, Applicant; and Attorney James Quirk 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 30, 1987, within the ten day appeal period.

Attorney James Quirk appeared before the Commission and displayed pictures of the areas of the Sunflower Market Place in question. He explained that his client wished to move a previously approved sign from Building 1 to Building 7 with a second small sign on the doorway. He stated that there would be no view of the door sign from Route 6A. He expressed the concern that the Committee should have a consistent policy regarding buildings in this area and not promulgate an inconsistent standard with one side of the complex different from the other. He asked that the decision of the Yarmouth Committee be reversed.

Robert DiMartile, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for denial. He stated that the Committee approved of the general design of the sign but felt that the second sign was unacceptable. He admitted that the placement of two signs would be in compliance with the Yarmouth Sign Code but that the Historic District Act took precedence. He said the Committee is not totally inflexible on the issue of signs and the Committee had no problem with relocating the existing sign. The Committee felt that one sign per building was enough and that bigger was not better

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 according to 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 (r)*

Peter L. Freeman  
Chairman