



Old King's Highway Regional Historic District Commission

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SALLY MACROBBIE

v.

Decision #87-25

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

On Tuesday, September 15, 1987 the Commission held a hearing on Appeal #87-25 filed by Sally MacRobbie seeking revision of a decision by the Barnstable Historic District Committee which had allowed a Certificate of Appropriateness for revised plans, subject to conditions, for alteration and restoration of a boathouse located at Lot #4, Rendezvous Lane, Barnstable, Mass.

Present were Barbara Hart, Dennis; Milton Smith, Yarmouth; Michael Shay, Brewster; Peter Freeman, Barnstable; John Blaisdell, Sandwich; Robert G. Brown, Commission Counsel; Sally MacRobbie, Applicant; and Charles McLaughlin, Esquire, Attorney for the Applicant.

The Committee's decision had been filed with the Town Clerk on August 24, 1987, and the appeal entered with the Commission on September 2, 1987, within the ten day appeal period.

Attorney Charles McLaughlin appeared before the Commission on behalf of the Applicant. He questioned the fact that no written decision of the Barnstable Committee had been filed with the Town Clerk and that it might be proper for the Commission to remand the matter to the Barnstable Committee in order for them to draft a written decision. The Chairman replied that although written decisions are recommended in cases of denial, this was an approval not a denial. Commission Counsel responded that the Historic District Act did not require a written decision to be filed by a local committee in either an approval or denial. The Commission voted to proceed with the hearing.

Attorney McLaughlin distributed photos of the building in question, describing it as the Cobb boathouse. He stated that the appeal basically dealt with the request of Sally Cobb MacRobbie, the current owner of the boathouse to restore and make certain alterations to the boathouse, including the installation of six windows in the boathouse as there are now no windows. He described the boathouse as being in deplorable condition, was tilting badly and needed much restorative work done to it.

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George Blakeley addressed the Commission in order to describe the current state to the boathouse. He reiterated the comments of Attorney McLaughlin and added that the original building was yellow with a red roof while the building, as improved, would have red shingles and a red cedar roof. He stated that the appeal was essentially about the six windows and that the Applicant had no objection to the rest of the plan.

Both Attorney McLaughlin and Mr. Blakeley presented many pictures of boathouses on Cape Cod. Attorney McLaughlin stated that many boathouses on Cape Cod through the years have had windows as they provide light and ventilation for those working on boats. Attorney McLaughlin said that there appeared to be a desire on the part of some in the local community to see no change at all in the boathouse. He said that those who desired to see no change at all were misinterpreting the statute. He also stated that there are some who are concerned with the possible uses the building could be put to, and that this is not within the jurisdiction of the Committee or Commission. He stated that the building is unique, that there is no other in Barnstable Harbor like it, and that it should be judged on its own merits.

Peter Freeman, representing the Barnstable Committee, addressed the Commission to explain the Barnstable Committee's reasons for denial. He stated that the Committee is not concerned with use but only with aesthetics. He agreed that the building had its own unique aspects but stated that what made the building unique and significant is the way it looks now. He stated that the Committee is not opposed to change or felt that the boathouse should remain forever unchanged and the Committee had allowed many changes which were in accordance with the purposes of the Act. He stated that the fact that other boathouses in that area have windows does not dictate that this boathouse should have windows.

After listening to many members of the public express their opinions regarding the application and after lengthy discussion the Commission made the following determination.

1. That the Barnstable Historic District Committee did not act in an arbitrary, capricious and erroneous manner in approving the Applicant's Certificate of Appropriateness subject to conditions and that the Applicant's Petition for Appeal be denied. 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 Barnstable Town Clerk.

Peter L. Freeman (R)

Peter L. Freeman
Chairman