

Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

Telephone: 617-775-1766

OLD KING'S COURT REALTY TRUST

v.

Decision #87-33

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

On Monday, November 23, 1987 the Commission held a hearing on Appeal #87-33 filed by Old King's Court Realty Trust seeking review of a decision by the Barnstable Historic District Committee which had denied a Certificate of Appropriateness for the construction of new commercial buildings at 1064 Route 6A, West Barnstable, Massachusetts.

Present were Barbara Hart, Dennis; Michael Shay, Brewster; John Blaisdell, Sandwich; Peter Freeman, Barnstable; Robert G. Brown, Commission Counsel; Bruce P. Gilmore, Esquire, Attorney for Old King's Court Realty Trust; and Robert Therrien, Architect for Old King's Court Realty Trust.

The Committee's decision had been filed with the Town Clerk on September 29, 1987, and the appeal entered with the Commission on October 9, 1987, within the ten day appeal period. By agreement the thirty day determination period was waived.

Prior to the Applicant's presentation, Peter L. Freeman announced that he did not wish to preside as Chairman of the Commission at this hearing as he would be representing the Barnstable Committee. Vice-Chairman Michael Shay assumed the duties of Chairman.

Attorney Bruce P. Gilmore addressed the Commission and explained that the position of the Applicant was that the decision of the Barnstable Committee was arbitrary and against the weight of the evidence. He added that he felt the Committee may have misinterpreted some of the pertinent factors. He distributed numerous photos and displayed two large plans showing the site in question. He explained that the lot extended very far back and that a total of about 75,000 square feet will not be used. He showed that the building varied in setback from 111 to 180 feet back from the road and compared the size of the lot (148,000 sq. ft.) with the building footprint (7800 sq. ft.). He stated that the colors and materials involved met the requirements of the Committee and stated that the issues to be considered were not zoning but architectural features.

Robert Therrien, Architect for the Applicant addressed the Commission. He displayed enlarged plans and demonstrated the sight lines from the roadway. He displayed detailed renderings and plans showing the topography and dimensions, showing that the site was about four feet higher than the roadway. He explained that by changing colors and materials the idea was to reduce massing by creating the impression of several smaller buildings. He explained that the buildings were two stories with windows and chimneys to reduce massing. He compared the project with other projects approved by the Barnstable Committee and with other possible building projects, pointing out that some of the homes in the area do have a greater front facade than that of the proposed building.

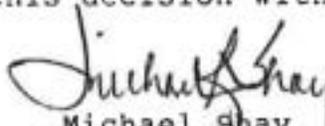
Peter Freeman, representing the Barnstable Committee, addressed the Commission to explain the Barnstable Committee's reasons for denial. He complimented Attorney Gilmore and Mr. Therrien for their detailed presentations. He explained that the Committee felt that the proposed buildings did not bear any relation to other buildings in the area. The Committee felt that the proposed buildings were much larger than the Chipman barn on the property, which is part of the setting and which is not addressed by the Applicants. He stated that despite the Applicant's claims the buildings would still dominate the area. He pointed out that the Applicant's reliance on the approval of the Bridge Creek professional building was justified criticism, but stated that, as a matter of law, the Committee's decision carries no weight as precedent.

Acting Chairman Michael Shay read a letter from James Kittredge, an abutter of the site, in opposition to the appeal.

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 denying the Applicant's Certificate of Appropriateness and that the Appellant's Appeal be denied. 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 Barnstable Town Clerk.


Michael Shay
Vice-Chairman

TOWN CLERK
BARNSTABLE, MASS.

REC-9
NO:26