



Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

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DANIEL SULLIVAN

v.

Decision #87-4

Decision #87-5

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

On Tuesday, April 14, 1987 the Commission held a hearing on Appeal #87-4 filed by Daniel Sullivan seeking review of a decision by the Barnstable Historic District Committee which had denied a Certificate of Demolition of a building located at Lot #3, Captain Murphy's Way, Barnstable, Massachusetts, and Appeal #87-5 filed by Daniel Sullivan seeking review of a decision by the Barnstable Historic District Committee which had denied a Certificate of Appropriateness for the construction of a new house and garage at Lot #3, Captain Murphy's Way, Barnstable.

Present were Anne Stout, Dennis; Milton Smith, Yarmouth; Kevin Ordway, Brewster; Peter Freeman, Barnstable; Robert G. Brown, Commission Counsel; Mr. Daniel Sullivan, Applicant; Charles S. McLaughlin, Attorney for the Applicant; and various members of the public.

The Committee's decisions had been filed with the Town Clerk on March 17, 1987, and the appeals entered with the Commission on March 25, 1987 within the ten day appeal period.

At the suggestion of the Applicant it was moved and seconded that the hearings on Appeals 87-4 and 87-5 be combined.

Attorney Charles S. McLaughlin addressed the Commission and stated, with regards to demolition, that the building was of no historical significance and that this had been specifically found by the Committee and that the Committee's decision spoke for itself. He also questioned as to whether or not the demolition and construction would be viewed from a public way or a public place. He stated that the proposed building would be only seven feet longer and six feet wider than the present building and that the proposed building footprint would not occupy a significant portion of the property. Attorney McLaughlin did state that the proposed location of the new building might necessitate the removal of one tree but did say that the applicant was willing to locate the building as far back on the lot as possible, consistent with zoning. He reiterated that the building was of no historical significance.

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Peter Freeman, representing the Barnstable Committee, addressed the Commission to explain the Barnstable Committee's reasons for the denials. He stated that the property abutted the Barnstable County Farm, which the Committee felt was a public place. He said the Old King's Highway Act allowed the local committees to consider various aspects of setting and that, although the building may not be objectionable, per se it was felt that the ambiance and the setting of the area would be disrupted.

Richard DeVergilio, a resident of the area, addressed the Commission and stated that the building was of historic significance as there was evidence that the the building had originally been the kitchen of a home built in the mid 1800's and had been wheeled to its present site in 1927.

Elliott B. MacSwan, former Chairman of the Barnstable Historic District Committee addressed the Commission and stated that the building had accrued historical significance and that its demolition would destroy the area.

Charles Eager, a resident of the area addressed the Commission and stated that the demolition of the building would adversely affect the view from Route 6A.

After lengthy discussion, the Commission made the following determinations.

Appeal #87-4

1. That the Barnstable Committee did not act in an arbitrary, capricious and erroneous manner in denying the Applicant's Certificate of Demolition. (2-1-1)

Appeal #87-5

1. That the Barnstable Committee did not act in an arbitrary, capricious and erroneous manner in denying the Applicant's Certificate of Appropriateness. (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.

Anne Stout (r)

Anne Stout
Chairman

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