



Old King's Highway Regional Historic District Commission

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LESLIE MORELAND and
CRAIG PANACCIONE

v.

Decision #87-6

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

On Tuesday, May 26, 1987 the Commission held a hearing on Appeal #87-6 filed by Leslie Moreland and Craig Panaccione seeking review of a decision by the Brewster Historic District Committee which had denied a Certificate of Appropriateness for a sign on property located at 56 Underpass Road, Brewster, Massachusetts.

Present were Barbara Hart, Dennis; Allen Abrahamson, Sandwich; Milton Smith, Yarmouth; Kevin Ordway, Brewster; Peter Freeman, Barnstable; Robert G. Brown, Commission Counsel; Ms. Moreland, Applicant; and Attorney Neil Roberts for the Applicants.

The Committee's decision had been filed with the Town Clerk on April 7, 1987, and the appeal entered with the Commission on April 17, 1987 within the ten day appeal period. The 30 day time limit for Commission consideration was extended by agreement of the parties.

Attorney Roberts appeared before the Commission on behalf of the Applicants and distributed photos and a small locus map of the area. He stated that the site was in a business zone in Brewster and that the Applicants had originally been informed that the lot was 530 feet from Route 6A and therefore within the exempt area of Brewster's District. The Applicants constructed a building and sign on the premises in reliance upon that opinion. A prospective tenant of the Applicants sought approval for a sign and was told that the area was within the jurisdiction of the Brewster Historic District Committee. Attorney Roberts stated that their argument was twofold: 1. the lot is within the exempt area of the District; and 2. the structure and sign are both within the exempt area of the District. He cited various sections of the Historic District Act which state that the purpose of the Act is to deal with buildings and structures within the District, and that this is not within the District.

Kevin Ordway, representing the Brewster Committee, addressed the Commission to explain the Brewster Committee's reasons for denial. He stated that the Brewster Building Inspector had admitted making a mistake in originally ruling that the structure did not fall within the jurisdiction of the Brewster Historic District Committee. He stated that the building had come before the Committee and that the Committee felt that a tremendous hardship would occur if the building were disapproved. The Committee felt, however that there would not be great hardship in disapproving the sign. He stated that the sign was far in excess of the 12 square feet allowed. He further stated that it was the consistent policy of the Brewster Committee to exercise jurisdiction over all projects if part of the lot is within the non-exempt area of the District.

Michael Shay, a member of the Brewster Committee addressed the Commission and spoke in support of the Brewster Committee's decision stating that the project would be classified as a mini-mall and that it originally should have come before the Committee.

Attorney Roberts addressed the Commission and questioned the policy of exercising jurisdiction over buildings and structures if only a portion of the lot upon which they stand is within the District. Kevin Ordway replied that this was the consistent practice in Brewster.

Leslie Moreland, one of the Applicants addressed the Commission and stated that the case was very unusual, that the building was well built and that the sign was in keeping with others in the area.

After lengthy discussion, the Commission made the following determination.

1. That the Brewster Committee did not act in an arbitrary, capricious and erroneous manner in denying the Applicants' Certificate of Appropriateness. 4-0-1

Any person aggrieved by this decision has a right to appeal to the District Court Department, Orleans Division, within 20 days of the filing of this decision with the Brewster Town Clerk.

Peter L. Freeman
Peter L. Freeman
Chairman