



Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

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CHRISTOPHER P. KUHN

v.

Decision #87-9

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

On Tuesday, May 26, 1987 the Commission held a hearing on Appeal #87-9 filed by Christopher P. Kuhn seeking review of a decision by the Barnstable Historic District Committee which had denied a Certificate of Appropriateness for an addition to a dwelling at 3729-A Main Street, Barnstable, Massachusetts.

Present were Barbara Hart, Dennis; Allen Abrahamson, Sandwich; Milton Smith, Yarmouth; Kevin Ordway, Brewster; Peter Freeman, Barnstable; Robert G. Brown, Commission Counsel; Mr. Kuhn, Applicant; Attorney Michael D. Ford for the Applicant; and various members of the public.

The Committee's decision had been filed with the Town Clerk on April 30, 1987, and the appeal entered with the Commission on May 8, 1987 within the ten day appeal period.

Attorney Ford appeared before the Commission on behalf of the Applicant and distributed photos and a map of the area. The photos specifically dealt with the view of the site in question from Route 6A and Flint Rock Road. Attorney Ford also distributed photos of other homes in the area. He stated that he felt the Committee's decision was in error in several areas. He stated that the argument that the building would be too large for the lot is a land use determination and is not part of the criteria for determination under Section 10 of the Historic District Act. He stated that the companion case had no parallels with this case in that the efforts by Mr. Kuhn are different on this lot than they were on the other lot. He also stated that the argument that the building should be viewed with respect to others around it is arbitrary in that there are other homes in the area larger than the one proposed.

Peter Freeman, representing the Barnstable Committee, addressed the Commission to explain the Barnstable Committee's reasons for denial. He stated that although the individual statistics may be correct, they are deceptive. He pointed out that the proposed addition would more than double the size of the structure and make it incompatible with the surrounding structures. He stated that even if the position of the Applicant that the decision based on relationship of

the house to the size of the lot was void was upheld, there were other valid reasons under the Act for denial.

After lengthy discussion, the Commission made the following determination.

1. That the Barnstable Committee did not act in an arbitray, capricious and erroneous manner in denying the Applicants' Certificate of Appropriateness. 3-0-2

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

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TOWN CLERK  
BARNSTABLE, MASS.