

BARNSTABLE-YARMOUTH LIONS CLUB

v.

Decision #2000-16

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

On Tuesday, September 5, 2000 the Commission held a hearing on Appeal #2000-16 filed by the Barnstable-Yarmouth Lions Club, seeking review of a decision by the Yarmouth Historic District Committee denying a Certificate of Appropriateness for a sign to be located at Route 6A, Yarmouthport, Massachusetts.

Present were Dorothy Stahley, Barnstable; Paul White, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Elizabeth Wilcox, Dennis; Robert G. Brown, Commission Counsel; and Jerry DePalma, President, Barnstable-Yarmouth Lions Club, Appellant.

The Committee's decision was filed with the Town Clerk on July 27, 2000. The appeal was entered with the Commission on August 3, 2000, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Jerry DePalma, President of the Barnstable-Yarmouth Lions Club, Appellant, addressed the Commission in favor of the appeal. He displayed an example of the sign and said it was a standard sign that could be found in many communities across the United States and one that has never encountered problems in any other community. He said the Barnstable-Yarmouth Lions Club has received permission from the Massachusetts Highway Department to place the sign within the layout of Route 6A and had also received permission from the engineering department of the Town of Yarmouth. He suggested there is a double standard with 193 newspaper tubes along Route 6A but a sign of this type is not allowed.

THE COMMITTEE'S PRESENTATION:

Deborah Gray, representing the Yarmouth Committee, addressed the Commission in opposition to the appeal. She said the sign was first reported in April and the violation notice on the sign was heard in July. Other service clubs have been denied permission for signs along Route 6A as the Committee does not want the same sign clutter that exists along Route 134 to exist along Route 6A. The Committee fears that if one sign is allowed in then other signs will be allowed in and sign clutter will result.

DISCUSSION:

In discussion among the general public, Edward Molans, a member of both the Barnstable Historic District Committee and the Barnstable-Yarmouth Lions Club, said he felt there was a great deal of misunderstanding about the process of the Historic District by the Barnstable-Yarmouth Lions Club and that an acceptable sign could possibly be developed.

In discussion among Commission members there was a consensus that there was no evidence presented that the Yarmouth Committee had acted in an arbitrary, capricious or erroneous manner or had used poor judgment. As such, the decision of the Yarmouth Committee should be upheld.

FINDINGS:

The Commission voted as follows:

1. That the Yarmouth Committee did not act in an arbitrary, capricious or erroneous manner, nor used poor judgment, in approving the Appellant's application.
2. That the appeal be denied.

DETERMINATION:

As to Appeal #2000-16 the appeal is denied.

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 Yarmouth Town Clerk.

Roy Robinson
Chairman