

JUDITH A. AVNET and RONALD WILSON

v.

Decision #2001-05

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

On Tuesday, May 8, 2001 the Commission held a hearing on Appeal #2001-05 filed by Judith A. Avnet and Ronald Wilson, seeking review of a decision by the Barnstable Historic District Committee denying a Certificate of Appropriateness for alterations to a building located at 1919 Main Street (Route 6A), West Barnstable, Massachusetts.

Present were Dorothy Stahley, Barnstable; Jonathan Shaw, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Elizabeth Wilcox, Dennis; Robert G. Brown, Commission Counsel; Peter L. Freeman, Attorney for the Appellants; and Steven Shuman, Architect for the Appellants.

The Committee's decision was filed with the Town Clerk on March 27, 2001. The appeal was entered with the Commission on March 28, 2001, within the 10 day appeal period.

As the appeal arose from the Chairman's Committee, the Vice-Chairman presided over the appeal.

THE APPELLANT'S PRESENTATION:

Peter L. Freeman and Steven Shuman addressed the Commission in favor of the appeal. They displayed plans of the building and a site plan approved by the Town of Barnstable Sit Plan Approval Committee. Attorney Freeman said that a Certificate of Appropriateness had been granted by the Barnstable Committee several years ago, however, due to a mistake by the Appellants, the construction included a basement walkway and a window. The Building Inspector placed a stop-work order on the construction. Several informal meetings with the Barnstable Committee were conducted prior to the hearing, which resulted in this appeal. Attorney Freeman cited the Barnstable Committee's written decision in the matter and said that there was no rational basis for the

Committee's decision and that the Committee jumped to a conclusion without any reason for the decision.

Steven Shuman addressed the Commission and said that he became involved after the stop-work order had been issued. He said he decided to keep the existing building as it was and concentrate on the addition. The addition is 1296 square feet, for total ground coverage of 4390 square feet. The lot coverage is only 10.68%. He said the visual impact of the addition will be fleeting at best. He said the concrete retaining wall was built without permission because the appellant wanted to access the basement, however, the retaining wall does shield the view of the basement entrance.

Peter Freeman concluded by saying that the retaining wall was not essential to the project. He told the Commission that there is a purpose for the Committee's actions and a purpose for the Commission's actions that the Commission should find that there was no rational basis for the Committee's decision.

THE COMMITTEE'S PRESENTATION:

Dorothy Stahley, representing the Barnstable Committee, addressed the Commission in opposition to the appeal. She distributed an assessors' map of the property showing the original application, the original building and the proposed application. The appellants originally applied for a 1216 square foot addition and no basement. The stop-work order was issued as the building was not being built according to the plan. She distributed a picture of the property showing the unapproved basement. There was a footprint change and the window was not approved. The parking was haphazard and parking is part of the setting. She concluded by saying that the Committee went out of its way to salvage a process where the appellants created their own hardship.

DISCUSSION:

In general discussion, there were many non-residents of the District present who spoke in favor of the appeal, complimenting the Appellants for their support of quilting. Of the residents of the District who spoke, most were in opposition to the appeal, saying that the addition was out of scale with the original building and with other properties in the area.

In discussion among Commission members there was a consensus that there was a possibility that the matter might be settled via a remand to the Barnstable Committee.

FINDINGS:

The Commission voted as follows:

1. That matter be remanded to the Barnstable Committee for further proceedings. 3-1-1.

DETERMINATION:

As to Appeal #2001-05 the matter is remanded to the Barnstable Committee.

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.

Roy W. Robinson, Jr.
Vice-Chairman