

**OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT
COMMISSION**

P.O. Box 140, Barnstable, Massachusetts 02630-0140
Tel: 508-775-1766 FAX 508-775-9248

Lindsay Hopkins, Appellant

V.

Decision #2004-5

**Old King's Highway Regional Historic
District Committee for the Town of Barnstable**

On Tuesday, September 7, 2004 at 7:45 P.M., the Commission met to hold a hearing at the Fire Station Community Room, 340 Route 6A, Yarmouth Port, Massachusetts, on Appeal #2004-5 filed by Lindsay Hopkins seeking reversal of a decision by the Barnstable Historic District Committee denying a Certificate of Appropriateness for the construction of new front door unit and false chimney located at 2412 Meetinghouse Way, West Barnstable, Massachusetts.

Present were Jeffery Wilson, Barnstable; Robert DeRoeck, Sandwich; Deborah Gray, Yarmouth; Peter Lomenzo, Dennis; James R. Wilson, Commission Counsel; Lindsay Hopkins and her attorney Robert F. Mills; and Donald Cox, Builder and Co-owner with the Applicant.

The Committee's decision was filed with the Town Clerk on June 24, 2004. The appeal was entered with the Commission on July 2, 2004, within the 10-day appeal period.

The Appellant's Presentation:

Attorney Robert F. Mills addressed the Commission on behalf of the Appellant and stated that the Committee had made an error in not granting the Certificate of Appropriateness for the front door and other features. He indicated that the shingles did not require approval and that the chimney had been acceptable to the Committee.

He stated that the door with its single sidelight was not inappropriate to the building and offered photographs of similar doors styles located within the District.

The Town Committee's Presentation:

Jeffery Wilson addressed the Commission on behalf of the Barnstable Town Committee. He confirmed that the reason for the denial was the design of the front door unit. He indicated that his Committee did not believe that the single sidelight was appropriate for the building and therefore denied the application.

He acknowledged that the committee found the chimney acceptable and that the shingles were exempt as ordinary maintenance.

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TOWN CLERK

04 SEP -9 PM 3:40

Discussion:

Robert DeRoeck stated that after hearing the presentation he believed that the Barnstable Committee's determination to deny the Certificate of Appropriateness was an error and that the application ought have been approved.

Peter Lomenzo stated that he believed that both the Barnstable Committee and the Applicant had made errors and mistakes.

Deborah Gray stated that she believed that design of the door unit was not consistent with style of the house and that the single sidelight was inappropriate.

After further discussion, it became clear that a majority of the Commissioners had concluded that the determination of the Barnstable Committee had been in error.

Mr. Lomenzo asked if the applicant would agree to paint the door unit white. The applicant indicated that she would agree to make the change to the door and its frame.

Findings:

The Commission found as follows:

The Committee was erroneous in failing to approve application.

The Commission should issue a Certificate of Appropriateness to the Applicant for the shingling, false chimney and white door unit.

Determination:

As to Appeal #2004-5, the decision of the Sandwich Committee is annulled and the Certificate of Appropriateness is issued for the shingling, false chimney, and door unit provided the door unit is painted white (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.


Deborah Gray
Vice Chairperson