

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

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

N&N Real Properties, LLC, Appellant/Applicant

Vs.

Decision #2009-3

**Old King's Highway Regional Historic
District Committee For the Town of Brewster**

On Tuesday, September 1, 2009 at 4:00 P.M., the Commission held a hearing at the Fire Station Community Room, 340 Route 6A, Yarmouth Port, Massachusetts, on Appeal # 2009-3 filed by N&N Properties, LLC seeking reversal of a decision by the Brewster Historic District Committee denying a Certificate of Appropriateness for the seasonal display (July-August) of a plastic sandwich board style sign to be located at 2689 Main Street, Brewster, Massachusetts.

Present were Michele E. Merolla, Sandwich; Peter Lomenzo, Dennis; Lawrence J. Houghton, Brewster; Robert Stahley, Barnstable; James R. Wilson, Commission Administrator; Leslie Ann Morse Commission Litigation Attorney; Robert Bugle, Appellant/Applicant's Agent.

Absent were Paul Leach, Orleans and Joseph Sullivan Yarmouth.

The Town Committee's decision was filed with the Town Clerk on August 4, 2009. The appeal was entered with the Commission on August 13, 2009, within the 10-day appeal period.

Appellant/Applicant's Presentation:

Robert Bugle presented a written letter of authorization to represent the Appellant/Applicant. He addressed the Commission on behalf of the Appellant/Applicant and described the proposed sandwich board sign as being made of a plastic material and approximately four feet high.

He acknowledged that the Brewster Sign Code did not allow sandwich board style signs, but he indicated that a by-law change was going to be submitted to change the local sign code. He submitted a copy of a proposed by-law change that he would be supporting.

He indicated that he felt that it was an economic disadvantage for the commercial businesses within District to not have the benefit of the proposed additional signage. He expressed the opinion that antique shops were dying out and that sandwich board signs

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would add exposure to the struggling businesses located along Route 6A. He indicated that he felt that B& Bs could also benefit from the use of sandwich board style signs.

Town Committee:

Lawrence J. Houghton stated that the application was for a seasonal display of a four-foot Sandwich Board style sign with white background and black letters made of plastic. He indicated that it was found to be unacceptable. Our Committee did not get into the proposed change to the sign code, but rather reviewed the application on the bases of the particular proposed plastic sign, which the Committee found to be inappropriate under Section 10 of the Act.

Public Comment:

Roy Robinson of Brewster addressed the Commission and stated that this appeal is reflects a long-standing battle between the commercial interests and those that are trying to maintain the aesthetic quality of the District. He indicated that he supported the Committee's denial of the application.

Discussion:

Robert Stahley suggested that the Commission was supposed to determine whether or not the applicant got a "fair" hearing before the local Town Committee. He expressed the opinion that the specific sign appeared to be inappropriate and that the Committee had not acted in an arbitrary or capricious manner. He indicated that he favored sustaining the action of the local Committee.

Peter Lomenzo agreed with Mr. Stahley's comments and invited the other Commissioners to express their opinion as to whether or not the Brewster Town Committee had acted erroneously or in an arbitrary or capricious manner.

Michele E. Merolla indicated that he felt that the Committee acted properly in denying the Application for the white plastic sandwich board sign.

Peter Lomenzo stated that it appeared that in the absence of any evidence that the Committee had acted improperly, that the denial should be sustained.

The Commission findings:

The Commission found as follows:

That the Brewster Town Committee did not act erroneously or in an arbitrary or capricious manner.

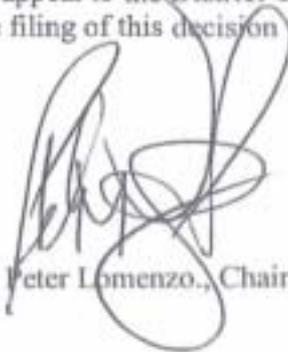
That the Brewster Town Committee's action in denying the application for the plastic sandwich board sign should be affirmed.

Determination:

As to **Appeal #2009-3**, the decision of the Brewster Town Committee is affirmed (3-0-1).

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.

September 23, 2009



Peter Lomenzo., Chairperson