

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

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

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Lucy Watson-Baker, Appellant/Applicant

Vs.

Decision for Appeal No. 2010-9

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

On Tuesday, January 4, 2011 at 2:00 P.M., the Commission held a hearing at the West Barnstable Fire Station Meeting Room, 2160 Meeting House Way (Route 149), West Barnstable, Massachusetts, on Appeal # 2010-9 filed by Lucy Watson-Baker seeking reversal of a decision by the Barnstable Historic District Committee denying a Certificate of Appropriateness for the installation of twenty-five (25) solar photovoltaic panels on the roof of a dwelling located at 26 Hanson Lane, Barnstable, Massachusetts.

Present were Chairman Peter T. Lomenzo, Jr., Dennis; William Collins, Sandwich; Suzanne Courcier, Yarmouth; Lawrence Houghton, Brewster; Patricia Anderson, Barnstable; James R. Wilson, Commission Administrative Counsel; Lucy Watson-Baker, Applicant/ Appellant; and Herb Rice and Conrad Geysler of Cotuit Solar, Solar Engineers for the Appellant/Applicant.

Absent was Paul Leach, Orleans.

The Committee's decision was filed with the Town Clerk on November 17, 2010. The appeal was entered with the Commission on November 23, 2010, within the 10-day appeal period.

Copies of the, Appeal Petition, Town's Decision, Application, Plans and Minutes from the Town Committee's hearing were distributed to the Commissioners for review.

The Appellant/Applicant's Presentation:

Herb Rice addressed the Commission on behalf of the Applicant's appeal. He reviewed the proposed project and the action of the Town Committee in denying permission for the placement of twenty-five (25) solar photovoltaic panels on the street facing front roof of the dwelling. He indicated that the Certificate of Appropriateness had been denied by a split 2 to 2 tie vote. He claimed that the two (2) votes against the proposed solar panels had been based on a strict adherence to a policy against the placement of such panels on the front street side of the roof for buildings located within the Historic District.

He described the location of the Applicant's house as being remote from general public travel and thereby relatively secluded. He indicated that the dwelling was located on a cul-de-sac and suggested that the dwelling was heavily screened by existing vegetation.

He stated that the house was constructed in 1982 and claimed that the house and its neighborhood appeared to lack historical significance.

Lucy Watson-Baker indicated that she had discussed the proposed project with her neighbors and that they did not object to the application.

Mr. Rice requested the Town Committee action be reversed and that Certificate of Appropriateness be issued.

The Town Committee's Presentation:

Patricia Anderson addressed the Commission on behalf of the Barnstable Town Committee. She confirmed that the Town Committee denied the solar panels because of their proposed location on the front roof of the dwelling.

She indicated that the two members that voted against the project were concerned about setting a precedent that might be used to force the allowance of solar panels in other more sensitive locations within the Historic District. As one of the members that voted against the application, she expressed the opinion that the Courts appear to always act on precedent. She expressed concern that approval of the proposed solar panels and denying them for others could be viewed as unfair and unequal treatment.

Commission Discussion:

The members of the Commission reviewed the pictures, photographs and other items submitted for review during the public hearing.

William Collins of Sandwich stated that he believed that each application should be acted upon in a case-by-case manner. He expressed concern that the Town Committee may have acted based upon a fear of setting a precedent instead of considering the individual location and type of building that was under review.

Lawrence Houghton of Brewster expressed similar concern for the manner that the proposed solar panels were denied. He stated that precedent should not be a factor in the review of an application. He expressed the opinion that the Town Committee and Applicant should work together to determine the best location for the placement of the roof mounted solar panels.

Chairman Peter Lomenzo expressed the opinion that neither the Town Committee nor the Applicant intended to make a mistake. He indicated that a remand might allow an opportunity for the application to be better addressed at the Town Committee level. He stated that a remand might provide a good chance to reach a compromise on the issues of screening and the appropriate location for the roof mounted solar panels.

Suzanne Croucier offered a motion, seconded by Mr. Houghton, to annul the denial and remand the application to the Barnstable Town Committee for further review and a determination of the best location for the proposed roof mounted solar panels.

The motion carried by a vote of 4-0-1. (Collins, Lomenzo, Croucier & Houghton in favor; and Anderson abstaining)

The Commission findings:

The Commission found as follows:

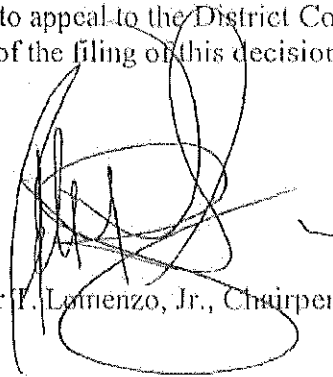
The Town Committee's denial of the proposed roof mounted solar panels should be annulled and the application remanded to the Town Committee for additional review and an opportunity to determine the best location and screening for approving the proposed roof mounted solar panels.

Determination:

As to Appeal #2010-9, the decision of the Barnstable Committee is annulled and the Application is remanded to the Town Committee for further review concerning the best location of the roof mounted solar panels. (4-0-1).

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.

Dated: January 18, 2011



Peter F. Lomenzo, Jr., Chairperson