



Old King's Highway Regional Historic District Commission
First District Courthouse, Barnstable, Mass. 02630 Telephone: 617-362-4092

COMMONWEALTH OF MASSACHUSETTS

Barnstable:ss

Appeal #79-2

West Barnstable Village Businesses Association)
Appellant)
vs)
Old King's Highway Regional Historic District)
Committee for the Town of Barnstable)
Appellee)

DECISION ON APPEAL TO
ABOVE COMMISSION

A hearing was held at the Cape Cod Planning and Economic Development Commission's conference room on October 2, 1979, at 2:15 P. M., by the above Commission upon an appeal from a decision of the Town of Barnstable Historic District Committee denying a Certificate of Appropriateness for the placement of a ladder-type sign on the Southwest corner of the intersection of Route 6A and Route #149 in West Barnstable within the Old King's Highway Regional Historic District. Present were Commission Chairman Elliott B. MacSwan of Barnstable, Mr. Dwyer of Dennis, Mr. Long of Yarmouth, Mr. Leonard of Sandwich, Peter A. Sundelin Attorney for the appellant and James R. Wilson, counsel for the Commission.

The Appellant applied to the Barnstable Town Committee for its Certificate of Appropriateness (see attached Exhibit #1) on July 31, 1979, and a duly advertised public hearing was held by the Committee on August 27, 1979. The Barnstable Committee voted to deny the application and filed notice of its denial with the Barnstable Town Clerk on August 28, 1979. The applicants filed an appeal with the Commission on September 7, 1979. Prior to the commencement of the hearing, Mr. MacSwan asked attorney Sundelin if he objected to Mr. MacSwan's presiding over the hearing. Attorney Sundelin indicated that he had no objection to Mr. MacSwan's conducting the hearing. The hearing began with a brief outline of the procedural history of the application by Mr. MacSwan. Attorney Sundelin then addressed the Commission and stated that he felt that the proposed sign was consistent with the purposes of the Act; that it would be a violation of his client's constitutional rights to deny the sign and that his client would suffer a substantial hardship if the denial of the Town Committee were allowed to stand. Attorney Sundelin pointed out that the village Post Office had recently moved from Route #149 over to a new location off of Route 6A and that the loss of the Post Office would have a significant impact on the traffic flow pattern in the area. He indicated that a sign on Route 6A was essential for the Association's business interests so that people traveling on Route 6A would be aware of the various businesses located in the old village area on Route #149. Attorney Sundelin introduced the following exhibits, copies of which are attached to this decision and marked Exhibit 2 and Exhibit 3. Exhibit 2 is a



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copy of a portion of the Town of Barnstable Zoning map indicating the locus area as being business zoned. Exhibit 3 is a excerpt from the Parker Lombard will with attached correspondence between the Association and the Lombard Trustees.

Mr. MacSwan then distributed photographs of the site and area and stated that his Committee was attempting to eliminate many of the signs along Route 6A. He stated that the cemetery adjacent to the proposed site had great historic significance and that there was concern that this sign might detract from the appearance of the ancient cemetery. It was pointed out that there were no commercial signs in the immediate area.

During the course of the discussions between the Commission and the Appellant, it became apparent that perhaps a compromise could be reached between the Appellant and the Committee and that the interests of all parties concerned would be best served by remanding the case back to the Town Committee for further review and discussions concerning alternatives. The Commission members generally indicated that they recognized the need for some type of sign on Route 6A for the businesses but felt that the proposed sign and site might be inappropriate. It was suggested that the applicant enquire with the Massachusetts Department of Public Works about the possibility of having a sign put up by the State that would indicate the location of the old village center. Mr. Long then moved that the Committee's decision denying the application be annulled and that the matter be remanded back to the Barnstable Town Committee for further review including therein the review of alternatives. Mr. Leonard seconded the motion and after brief discussion, passed unanimously 3-0-1. Mr. MacSwan abstaining.

The appellant was advised of the right to appeal to the First District Court of Barnstable, Barnstable, Massachusetts, within twenty (20) days of the filing of the notice of the decision with the Barnstable Town Clerk.

Elliott B. MacSwan
Elliott B. MacSwan, Chairman

Date: