

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

TOWN CLERK  
BARNSTABLE, MASS.

DEC 19 PM 12 02

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STEPHEN C. JONES,  
Appellant  
VS.  
OLD KING'S HIGHWAY REGIONAL  
HISTORIC DISTRICT COMMITTEE  
IN THE TOWN OF BARNSTABLE  
\*\*\*\*\*

DECISION ON APPEAL TO  
THE ABOVE COMMISSION

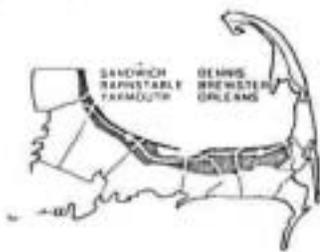
No. 79-6

A hearing was held on December 12, 1979. by the above Commission on an appeal by the above appellant from a decision of the Barnstable Committee denying a Certificate of Appropriateness to Stephen C. Jones for the construction of an office building on the North side of Route 6A in the Village of Barnstable, Massachusetts.

Present were: Mr. MacSwan, Barnstable, Mr. Ivers, Brewster, Mr. Dwyer, Dennis, Mr. Studley, Yarmouth, Mr. Leonard, Sandwich, Attorney Charles Sabat, Allan F. Jones, Robert Welsh and Attorney Wilson, counsel for the Commission.

The Committee's decision was rendered on November 19, 1979, and filed with the Town Clerk on November 26, 1979. The appeal petition was filed with the Commission on November 29, 1979.

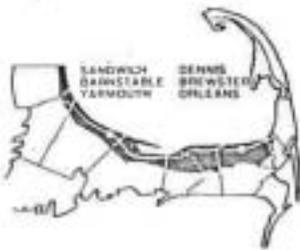
Plans of the proposed office building and photographs of the buildings in the area were submitted to the Commission. A view of the site was made by the members of the Commission. The building can be described as a two-story, wood frame, U-shaped structure, 150 feet wide and 72 feet deep. The building



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is similar in design and style to many of the motel buildings that characterize Route 28 on the south side of Cape Cod. The location of the proposed building is a lot on Route 6A in Barnstable Village opposite the County Court House.

The Appellant in his appeal claims that the Town Committee acted arbitrarily and implies that the Committee was motivated by a desire on the part of the Barnstable Civic Association to purchase the property from the Appellant. The Commission received no evidence during the hearing to substantiate such a claim, and the Commission finds that the Committee was not motivated by such an erroneous factor. The first reason assigned by the Committee for denying the application was a conclusion that the proposed building was much too large for the size of the lot. While the Applicant's lot consists of 13 acres of land, the Commission found that the buildable portion on which the proposed office building is to be located consists of only an acre. Section 10, Paragraph 5 of the Act states that "the Committee shall consider settings, relative size of buildings and structures..." The 150 foot width of the building and its "huge", massive appearance as it relates to the relatively small visible portion of the lot would, in the opinion of the Commission, justify the conclusion that the proposed building is too large for the size of the lot. The second reason assigned by the Committee for its denial of a Certificate of Appropriateness was the

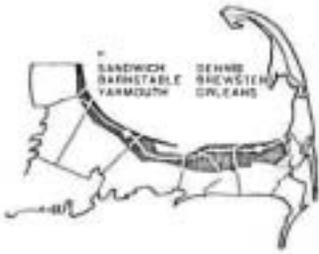


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conclusion that the proposed building did not conform with the other buildings in the area. To the West of the proposed building site is an attractive 1860 building that now houses a couple of offices. Immediately to the East of the proposed building site is the Otis Ellis Cape that was built around 1880 and is still used as a private residence. Both of these buildings are relatively small in size. All along Route 6A to the West of the proposed site are very attractive historically significant residences and other types of buildings that accentuate the rural village character of the area. The buildings to the East, while being used for commercial purposes, maintain the traditional small village appearance that is typified by the recently remodeled Old Colony Bank building. The overwhelming bulky appearance of the proposed structure bears little resemblance to the village environment that presently exists in the area. The proposed building as presently designed, would have a major detrimental impact on the traditional setting of Barnstable Village and the approval of the proposed building would derogate from the intent and purposes of the Act.

In conclusion it is the opinion of the Commission that there is sufficient evidence to support the conclusion by the Town Committee that the proposed office building is inappropriate for its location.

On motion made by Mr. Ivers, seconded by Mr. Dwyer, the



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Commission voted as follows:

Moved: That the decision of the Barnstable Town Committee  
be affirmed.

Vote: 4-0-1 (Barnstable abstained)

The parties are notified that they may appeal to the First  
District Court of Barnstable within 20 days of the filing of  
this decision with the Barnstable Town Clerk.

Respectfully submitted

Elliott B. MacSwan  
Elliott B. MacSwan, Chairman