



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

MR. & MRS. EVALD H. NILSSON
Appellants

VS.

OLD KING'S HIGHWAY REGIONAL
HISTORIC DISTRICT COMMITTEE
IN THE TOWN OF BARNSTABLE

No. 79-7

DECISION ON APPEAL TO
THE ABOVE COMMISSION

TOWN CLERK
BARNSTABLE, MASS.

79 DEC 19 PM 12 02

A hearing was held on December 12, 1979 by the above Commission on an appeal by the above appellants from a decision of the Barnstable Committee granting a Certificate of Appropriateness to Peter A. Sundelin for the erection of a sign on the South side of Route 6A near the intersection of Route 149 in West Barnstable, Massachusetts. Present were : Mr. MacSwan, Barnstable, Mr. Ivers, Brewster, Mr. Dwyer, Dennis, Mr. Studley, Yarmouth, Mr Leonard, Sandwich, Mr. and Mrs. Nilsson (appellants) Mr. Sundelin (applicant) and Attorney Wilson, counsel for the commission.

The Committee's decision was rendered on November 13, 1979 and filed with the Town Clerk on November 14, 1979. The appeal petition was filed with the Commission on November 26, 1979.

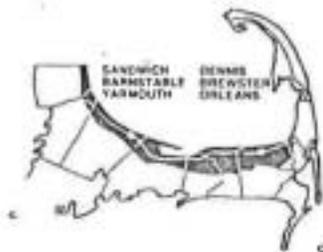
A copy of the plot plan showing the location of the sign and a sketch of the sign itself was submitted to the Commission. The proposed sign is white with black lettering and the post is 8 feet tall and the sign itself 3x2 containing the wording "Historic West Barnstable Center;" with an arrow .



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The sign is basically directional in nature and non-commercial in character. The commissioners acknowledged that they were familiar with the site.

The appellants raised seven issues in their appeal. The first issue addresses the substance of the wording claiming that it is inaccurate and conveys an inaccurate message to the public. This issue is waived since the actual wording as approved eliminated the opposition voiced by the appellants. The second issue raised by the appellants addresses a technical error in the advertisement for the Town Committee's hearing which was held October 29, 1979. The advertisement for the hearing indicated that the hearing was to be held October 22nd one week earlier. Apparently there was a typographical error in the advertisement in the paper as the actual hearing was scheduled and held on October 29, 1979, and no hearing was scheduled or held on the 22nd. It is the opinion of the Commission that no prejudice occurred to the appellants nor to any person effected by the decision. The evidence before the Commission indicates that the hearing was well attended and that the residents of the neighborhood were given full opportunity to express their opinions and views on the proposed sign. The appellants themselves attended and participated in the local hearing. The Commission feels that no purpose would be served by remanding the matter back to the Town Committee for another hearing on the proposed sign. The third issue raised by the appeal is the failure by the applicants to have



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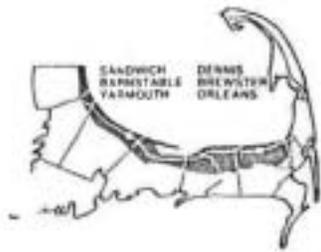
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specifically identified the position of the sign at the time of the public hearing. The facts before the Commission indicate that the general location of the sign was, in fact, provided on a plot plan and the exact feet later placed on the plot plan during a viewing of the site. The fourth issue raised in the appeal questions the non-attendance at the October 29th hearing by the owners and further alleged that the owners failed to show a need for the sign. The Commission regulations allow agents to appear in place of the original applicants themselves and the Commission can find no reason why owners should be required to appear at the public hearings. The Commission observes that there is an obvious need for a sign on Route 6A indicating the location of businesses located on Route 149 and further finds that the appellants failed to offer any facts that would indicate that such a need does not exist. The fifth issue is speculative in nature and suggests that the State DPW sign might provide a better solution. There is no evidence to indicate such a solution could, in fact, be accomplished. The sixth issue is answered by the approved wording on the sign. The seventh issue is a statement of opinion by the appellants and need not be addressed by the Commission.

Based upon the evidence and the facts before the Commission, the following motion was made by Mr. Ivers and seconded by Mr. Leonard:

MOVED: that the decision of the Barnstable



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Town Committee be affirmed.

Voting: 4-0-1 (Barnstable abstaining)

Respectfully submitted,

Elliott B. MacSwan

Elliott B. MacSwan
Chairman

Parties are advised that they may appeal to the First District Court of Barnstable within twenty (20) days of the filing of this decision with the Barnstable Town Clerk