

PAULINE JARVI

v.

Decision #96-5

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

On Tuesday, October 8, 1996 the Commission held a hearing on Appeal #96-5 filed by Pauline Jarvi, seeking review of a decision by the Barnstable Historic District Committee which had denied a Certificate of Appropriateness for the installation of vinyl siding on a building located at 2070 Route 6A, West Barnstable, Massachusetts.

Present were Peter Freeman, Barnstable; Roy Robinson, Brewster; Virginia Amidon, Sandwich; David Moeller, Yarmouth; Robert G. Brown, Commission Counsel; and Michael Hurley and Thomas Capizzi, agents for the Appellant.

The Committee's decision was filed with the Town Clerk on August 20, 1996. The appeal was entered with the Commission on August 27, 1996 within the 10 day appeal period.

In that the Chairman was absent from the meeting and the appeal in question came from the Vice-Chairman's Committee, the Commission elected Roy Robinson as Chairman Pro Tem for this hearing.

**THE APPELLANT'S PRESENTATION:**

Michael Hurley and Thomas Capizzi addressed the Commission in favor of the appeal. They said that the building in question has some historic detail but not as much as others in the area. They said they felt that the issue is the use of vinyl siding and that with regard to the use of vinyl siding they would be able to visually overcome most of the problems associated with vinyl siding. They displayed pictures of other homes in the area and feel that the use of vinyl siding on this home will not detract from other homes in the area.

**THE COMMITTEE'S PRESENTATION:**

Peter Freeman, representing the Barnstable Committee, addressed the Commission to explain the Barnstable Committee's reasons for denial.

He distributed an information package, including a copy of the Barnstable Committee's decision, and said that he almost agreed that there would not be a great visual difference. However, he is not convinced that there would be no visual difference, even though the product and installation has improved over the years. He said he felt there was room for disagreement on this issue and that the Committee was entitled to deference on this issue, citing the Harris case decided by the Supreme Judicial Court and the recent Stewart case involving an application with regard to the Lombard Farm site in the Town of Barnstable. Additionally, he read from the Historic District Act as to considerations for the Committee with regard to Certificates of Appropriateness. Further, he stated there was no viable case of hardship shown in this application. He asked that the appeal be denied.

**DISCUSSION:**

In discussion among Commission members a minority felt that a primary purpose of the Act was to preserve historic buildings in their original state with original materials. As such, the Barnstable Committee had a sustainable reason for their decision.

A majority of the Commission felt that there would be minimal visual difference between the use of wood and vinyl. Chairman Pro Tem Robinson stated that, in the Town of Brewster, more consideration is given to what a project looks like than what kind of materials are used.

**FINDINGS:**

The Commission made the following Findings of Fact:

1. That the Barnstable Committee used poor judgment in denying the Appellant's application for a Certificate of Appropriateness.

2-1-1.

2. That the Appeal be allowed and a Superceding Certificate of Appropriateness issue pursuant to the plans on file with the Barnstable Committee.

2-1-1.

DETERMINATION:

Based on the above findings, the appeal is allowed, subject to the above conditions.

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.

Roy Robinson  
Chairman Pro Tem