

Donald Bain

v.

Decision #98-17

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

On Tuesday, July 7, 1998, the Commission held a hearing on Appeal #98-17 filed by Donald Bain, seeking review of a decision by the Barnstable Historic District Committee denying a Certificate of Appropriateness for an addition to a building located at 3660 Route 6A, Barnstable, Massachusetts.

Present were Edward Molans, Barnstable; William Quinn, Orleans; Elizabeth Wilcox, Dennis; Roy Robinson, Brewster; Marian Reilly, Sandwich; David Moeller, Yarmouth; James R. Wilson, Commission Counsel Pro Tem; and Donald Bain, Appellant/Applicant.

The Committee's decision was filed with the Town Clerk on June 17, 1998. The appeal was entered with the Commission on June 25, 1998 within the 10 day appeal period.

**THE APPELLANT'S PRESENTATION:**

Donald Bain, Appellant/Applicant, addressed the Commission in favor of the appeal. He claimed that the proposed addition was appropriate for the building and compatible with the District.

**THE COMMITTEE'S PRESENTATION:**

Edward Molans, representing the Barnstable Committee, explained the Barnstable Committee declined to approve the permit because plans were not clear on the size of the proposed addition and needed greater detail and better scale.

**DISCUSSION:**

In discussion among Commission members it was felt that the Barnstable Committee was erroneous and should have approved the proposal.

**FINDINGS:**

The Commission made the following Findings of Fact:

That the Barnstable Committee used poor judgment in denying the Appellant's request for a Certificate of Appropriateness. 5-0-1.

**DETERMINATION:**

As to Appeal #98-17, the appeal is allowed and Certificate of Appropriateness issued to the Applicant.

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.

Marian Reilly  
Chair