

CANAL MARINE, INC.

v.

Decision #99-1

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

On Tuesday, March 2, 1999 the Commission held a hearing on Appeal #99-1 filed by Canal Marine, Inc., seeking review of a decision by the Barnstable Historic District Committee denying a Certificate of Demolition for a building located at 153 Freezer Road, Barnstable, Massachusetts.

Present were Edward Molans, Barnstable; Deborah Machon, Dennis; Roy Robinson, Brewster; Paul White, Sandwich; Deborah Gray, Yarmouth; Robert G. Brown, Commission Counsel; Stuart Bornstein, President of Canal Marine, Inc.; and Timothy Caffyn, Attorney for Canal Marine, Inc.

The Committee's decision was filed with the Town Clerk on December 30, 1998. The appeal was entered with the Commission on January 8, 1999 within the 10 day appeal period. By agreement, the matter was continued to the March meeting.

In the absence of the Chair and the Vice-Chair, the Commission members unanimously elected Roy Robinson of Brewster as Chair Pro Tem.

THE APPELLANT'S PRESENTATION:

Stuart Bornstein, President of Canal Marine, Inc., Appellant, addressed the Commission in favor of the appeal. He said Canal Marine, Inc. had recently taken title to the property and had spent more than \$200,000.00 regarding the property prior to taking title. Much of this was spent on a "21E" cleanup which could only be done after the Freezer Building was taken down. The subject building known as the Cannery Building was built sometime between 1938 and 1941 and was built to can mackerel. The building is now used for boat storage and, in its present condition, cannot be rented. He read into the record a letter from the Barnstable Building Commissioner citing the building's precarious condition. This letter was not available to the Barnstable Committee at the time of the hearing. The building

is approximately 40 feet wide by about 140 feet long and is in such poor condition it cannot be secured. He said he would like to build condominiums on the site and asked that the decision of the Barnstable Committee be reversed.

THE COMMITTEE'S PRESENTATION:

Patricia Savage, representing the Barnstable Committee, explained the Barnstable Committee's reasons for denial. She said the building could still be used for boat storage and was used for this purpose as recently as last August. She said the site was historic and the Committee's decision should be upheld.

DISCUSSION:

In general discussion, Steve and Marci Santos addressed the Commission in opposition to the appeal. Steve Santos said the Frezer Building was in rough shape in back but was in good shape in the rest of the building. Marci Santos said the entire site is historic and should be preserved.

In discussion among Commission members, there was a general consensus that the January letter from the Barnstable Building Commissioner was important and definitely something the Barnstable Committee should have the opportunity to consider.

FINDINGS:

The Commission voted as follows:

1. That the matter be remanded to the Barnstable Committee to consider the opinion of the Building Commissioner as stated in his January letter to Canal Marine, Inc. 4-0-1.

DETERMINATION:

As to Appeal #99-1, the appeal is denied.

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
Chair Pro Tem