

Old King's Highway Regional Historic District Commission

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VICTOR BJORNGREN

v.

Decision #88-16

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

On Tuesday, June 7, 1988 the Commission held a hearing on Appeal #88-16 filed by Victor Bjorngren seeking review of a decision by the Brewster Historic District Committee which had denied a Certificate of Appropriateness for a new sign on property located at 341 Main Street (Route 6A), Brewster, Massachusetts.

Present were Ronald Lindholm, Dennis; Michael Shay, Brewster; Christopher Miner, Orleans; Peter Freeman, Barnstable; Milton Smith, Yarmouth; Robert G. Brown, Commission Counsel; Richard Perry, Attorney for the Applicant; and Mrs. Marjorie Bjorngren.

The Committee's decision had been filed with the Town Clerk on May 5, 1988, and the appeal entered with the Commission on May 9, 1988.

Prior to the start of the hearing, Michael Shay temporarily relinquished the duties of Chairman to the Vice-Chairman, Peter Freeman.

Richard Perry, Attorney for the Applicant, addressed the Commission on behalf of the Applicant. He stated that the sign in question had existed at the Skyline Motel in various forms since 1955. He described how the Applicant had wished to put up a new sign which had been obtained from AAA at a cost of \$500.00 and cited a letter from AAA which stated that the sign in question was the smallest available. He stated that the changes in this sign and the previous sign(s) were minor and not substantial. He cited numerous legal opinions as to the "Grandfathering" effect of the Act, comparing the Act with zoning and other historic districts, and stated that he felt the sign in question was entitled to protected status under the Act. He also stated that the loss of the sign would be a hardship on his clients in that they would lose the \$500.00 that they had paid for the sign as well as the loss of business as a result of people not staying at the motel and further stated that he felt that this would be a substantial hardship to his clients within the meaning of the Act. He stated that his client had been told by the Brewster Committee on a previous application

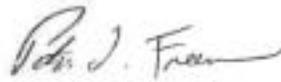
that when the new sign did arrive they (the Brewster Committee) would advise him where to hang it and that they are now telling him he cannot hang a sign at all.

Michael Shay, representing the Brewster Committee, addressed the Commission to explain the Brewster Committee's reasons for denial. He read Section 6 of the Act regarding signs and stated that in the past two years the Brewster Committee had begun to review all signs in the District. He pointed out that a new motel sign had been approved even though the motel is in a residential area and the sign that was allowed is far larger than that which is normally allowed in that the sign had existed for many years and that there would be some measure of hardship. He stated that the Committee felt uncomfortable with a four square foot sign appended to a 20 square foot sign when the maximum allowed is normally twelve square feet. He stated that the Committee felt that the new AAA sign was substantially different from the old sign and not entitled to any protection under the Act.

After lengthy discussion the Commission made the following determination.

1. That the Brewster Historic District Committee did act in an erroneous manner in denying the Applicant's Certificate of Appropriateness and that the matter be remanded to the Brewster Committee.

Any person aggrieved by this decision has a right to appeal to the District Court Department, Orleans Division, within 20 days of the filing of this decision with the Brewster Town Clerk.

  
Peter L. Freeman  
Vice-Chairman