

Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

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THE FRIENDS OF THE SCHOOLHOUSE, INC.

v.

Decision #88-18

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

On Wednesday, November 16, 1988 the Commission held a hearing on Appeal #88-18 filed by The Friends of the Schoolhouse, Inc. seeking reversal of a decision by the Barnstable Historic District Committee which had denied a Certificate of Appropriateness for a fence to be located at 3328 Main Street, Barnstable, Massachusetts.

Present were Michael Shay, Brewster; Peter Freeman, Barnstable; Christopher Miner; Orleans; Allen Abrahamson, Sandwich; James R. Wilson, Commission Counsel; Peter W. Hutton, Esquire, Attorney for the Applicants.

The Committee's decision had been filed with the Town Clerk on May 2, 1988, and the appeal entered with the Commission on May 10, 1988, within the ten day appeal period. The 30 day determination period was waived by agreement of the parties.

Peter W. Hutton, Attorney for the Applicants, addressed the Commission. Attorney Hutton addressed a procedural question regarding the presence of a quorum, referring to the Rules and Regulations of the Commission. The Chairman ruled that Barnstable's representative would be counted for quorum purposes but would abstain from voting. He stated that the fence surrounding the dumpster had been erected without a Certificate of Appropriateness and that his client had applied to the Barnstable Committee seeking approval for the fence as it presently exists. The Committee approved the application subject to relocation to the northeast corner of the building. Attorney Hutton suggested that the present location was appropriate and that the Committee was unreasonable in requiring the relocation of the fence. He pointed out that the dumpster could remain in its present location without any fence and that his client was seeking to improve the appearance by adding the fence. He offered letters of support of maintaining the fence where located.

Lee Davis, representing the Barnstable Committee, addressed the Commission to explain the Barnstable Committee's reasons for denial. He said that the Schoolhouse building had a great deal of historic significance and that its appearance

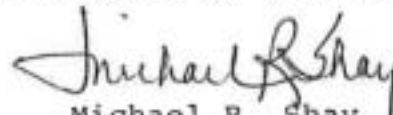
would be harmed by allowing the fence to remain in its present location. He suggested that the alternate location would meet the needs of the people using the site and be far less visible.

Francis Worrel, speaking on behalf of the Friends of the Schoolhouse, Inc. said that they would be willing to stain the fence gray and add vegetated screening to minimize its appearance.

After lengthy discussion the Commission made the following determination.

1. That the Barnstable Committee did not act in an arbitrary, capricious, or erroneous manner in approving the Applicant's fence subject to relocation.
2. That the appeal be denied. 3-0-1

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.

  
Michael R. Shay  
Chairman

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TOWN CLERK  
BARNSTABLE, MASS.