



Old King's Highway Regional Historic District Commission

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MICHALIS I. MACHERAS

v.

Decision #90-13

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

On Tuesday, November 20, 1990 the Commission held a hearing on Appeal #90-13 filed by Michalis I. Macheras seeking reversal of a decision by the Barnstable Historic District Committee which had denied a Certificate of Exemption for the construction of a new house and garage to be located at Lot #6, Sophia's Way, West Barnstable, Massachusetts.

Present were Brendan Joyce, Dennis; Robert Deemer, Yarmouth; Janet Francis, Brewster; Peter Freeman, Barnstable; Christopher Miner, Orleans; Allen Abrahamson, Sandwich; Robert G. Brown, Commission Counsel; and Michalis I. Macheras, Applicant.

The Committee's decision had been filed with the Town Clerk on August 16, 1990, and the appeal entered with the Commission on August 28, 1990. The 30 day determination period had earlier been waived by agreement.

Prior to the start of the hearing, Peter Freeman temporarily stepped down as Chairman and the hearing was chaired by Vice-Chairman, Christopher Miner.

Prior to the start of the hearing, the Commission Counsel explained to the Applicant and the Commissioners that he had received a letter from the Applicant's attorney requesting that the matter be continued to the next meeting so as to make a new presentation to the Barnstable Committee. The Applicant stated that he wished to waive representation and proceed with the hearing.

Michalis I. Macheras addressed the Commission and stated that he had applied for a Certificate of Exemption from the Barnstable Committee because he believed that he was not visible from a public way or place as it is defined in the Historic District Act, St. 1973, c. 470, as amended. He displayed a 1977 court decision regarding Plum Street which stated that Plum Street was a public way but that the Town of Barnstable did not own Plum Street. He asked that the Commission reverse the decision of the Barnstable Committee.

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

denial. He stated that the proposed structure would be visible from Plum Street and described how he had driven to the site and then had driven down Plum Street and was able to view the site across Garrett's Pond. He stated that the case that the Applicant had cited clearly stated that Plum Street was a public way and he stated that this validated the decision of the Barnstable Committee.

Mr. Macheras again addressed the Commission to express his displeasure with the presentation of the Barnstable Committee. He claimed that he was being discriminated against.

Peter Freeman again addressed the Commission and stated that in no way was Mr. Macheras being discriminated against, stating that the proposed plans of Mr. Macheras were, in fact, approved with modifications to the rear window elevations.

After brief discussion, the Commission made the following determinations:

1. That the Barnstable Committee did not act in an arbitrary, capricious or erroneous manner in denying the Applicant's application for a Certificate of Exemption. 5-0-1.
2. That the appeal be denied. 5-0-1.

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.

Christopher Miner
Vice-Chairman