

Old King's Highway Regional Historic District Commission
P.O. Box 279, Hyannis Mass. 02601
Telephone: 617-775-1766

ST. MARY'S CHURCH-EPISCOPAL

v.

Decision #90-4

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

1990 MAY 30 11:04 AM
TOWN CLERK
BARNSTABLE MASS.

On Tuesday, May 15, 1990 the Commission held a hearing on Appeal #90-4 filed by St. Mary's Church-Episcopal seeking reversal of a decision by the Barnstable Historic District Committee which had denied a Certificate of Appropriateness for a sign to be located at 3055 Main Street, Barnstable, Massachusetts.

Present were Peter Freeman, Barnstable; Christopher Miner, Orleans; Brendan Joyce, Dennis; Willard Sheppard, Yarmouth; Robert G. Brown, Commission Counsel; and Peter Hutton, Esquire, Attorney for the Applicant.

The Committee's decision had been filed with the Town Clerk on March 8, 1990, and the appeal entered with the Commission on March 16, 1990, within the ten day appeal period. The 30 day determination period was waived by agreement of the parties.

Prior to the start of the hearing, Peter L. Freeman relinquished the duties of Chairman to Christopher Miner, Vice-Chairman, who proceeded to preside as Chairman.

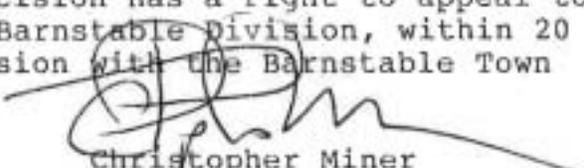
Attorney Peter Hutton addressed the Commission and stated that the basis for the appeal was that the Barnstable Committee had exercised poor judgment in denying the Applicant's application for a sign. He displayed a full size (38" x 28") model of the proposed sign and displayed the style of lettering that will be used on the sign. He stated that the sign will be displayed from a free standing post approximately nine feet from the curb. The construction would be in wood with the letters calculated so as to be read with ease. He displayed pictures of the present signage at the church and presented a letter from the Town of Barnstable Building Commissioner's office which stated that church signs were exempt. He also displayed pictures of various other signs in the neighborhood and in the Barnstable District. He stated that what is proposed is consistent with the Guidelines of the Regional Commission and went through the Guidelines of the Commission and explained each factor in relation to the sign. He did state that there were two other signs but they were very small and did not detract from the Act or the Guidelines thereunder.

Peter Freeman, representing the Barnstable Committee, addressed the Commission to explain the Barnstable Committee's reasons for denial. He stated that the Committee felt that the Guidelines had been violated. He stated that the main reason for the denial was the multiplicity of signs on the premises and that this was not a factor in the examples that had been used by Attorney Hutton. He stated that the Barnstable Committee might have conceded on the issue of size of the sign if the other signs were to be removed but they were to stay. He also stated that the settings for the examples used by Attorney Hutton were different. He said the Committee is much more cognizant of sign problems in the District and various errors in the past and that these past errors do not bind the present board. He then went through the Guidelines of the Commission and explained why the Barnstable Committee felt that the Guidelines had been violated. He said the Committee had no problems with the top half of the sign and that the approval of the top half of the sign would meet the concerns of the Church.

After very lengthy 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 Application. 4-0-1.
2. That the appeal be denied. 4-0-1.

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