

Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

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BARNSTABLE HOUSING AUTHORITY

v.

Decision #90-7

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

On Tuesday, May 15, 1990 the Commission held a hearing on Appeal #90-7 filed by the Barnstable Housing Authority seeking reversal of decisions by the Barnstable Historic District Committee which had denied a Request for an Amendedment of a Certificate of Appropriateness and had determined that a Certificate of Appropriateness had previously issued had lapsed regarding property located at Route 149, West Barnstable, Massachusetts.

Present were Lee C. Davis, Barnstable; Christopher Miner, Orleans; Brendan Joyce, Dennis; Willard Sheppard, Yarmouth; Allen Abrahamson, Sandwich; Robert G. Brown, Commission Counsel; Jane Davis, Esquire, Attorney for the Barnstable Housing Authority and C. Michael Toner, Executive Director of the Barnstable Housing Authority.

The Committee's decision had been filed with the Town Clerk on April 10, 1990, and the appeal entered with the Commission on April 19, 1990, within the ten day appeal period.

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. Mr. Freeman also recused himself from the hearing and left the hearing room. Lee C. Davis replaced Mr. Freeman as the Barnstable representative.

Attorney Jane Davis addressed the Commission and stated that a Certificate of Appropriateness had been issued for the proposed project in December of 1986. She stated that there were a number of meetings regarding the project and that a minor modification had been allowed in 1987 and that a Comprehensive Permit, pursuant to M.G.L. c. 40B had been issued by the Town of Barnstable Zoning Board of Appeals in January of 1988. In February of 1988 the Barnstable Housing Authority applied for a minor modification and it was approved in March of 1988. She stated that the Certificate in question was still valid in that a Certificate is valid for one year or until the expiration of a building permit, whichever is later. She proceeded to go through the entire chronological history of the project and stated that, due to the action by the Barnstable Committee, bids for the project had been withdrawn. She introduced C. Michael Toner, the Executive Director of the Barnstable Housing Authority who reiterated the fact that the bids for the project had been withdrawn.

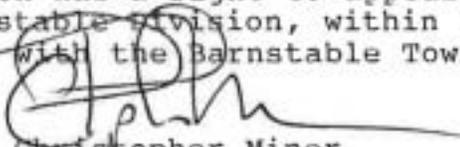
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Lee C. Davis, representing the Barnstable Committee, addressed the Commission to explain the Barnstable Committee's reasons for denial and determination. He stated that the Committee had requested the advice of the Counsel of the Regional Commission. He read extensively from the opinions of the Counsel to the Regional Commission which are attached hereto and marked Exhibit "A" and "B" respectively. He stated that it was the position of the Barnstable Committee that the Certificate of Appropriateness had expired and that the Barnstable Housing Authority should reapply.

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 Request for an Amendment of the Certificate of Appropriateness. 3-0-2.
2. That the Barnstable Committee did not act in an arbitrary, capricious or erroneous manner in determining that the Certificate of Appropriateness had expired. 3-0-2.
3. That the appeal be denied. 3-0-2.

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