

Old King's Highway Regional Historic District Commission
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BARNSTABLE NEWS TRUST

v.

Decision #90-8

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 #90-8 filed by the Barnstable News Trust seeking reversal of a decision by the Barnstable Historic District Committee which had denied a Certificate of Appropriateness for an alteration to a building located at 3220 Main Street, Barnstable, Massachusetts.

Present were Peter Freeman, Barnstable; Christopher Miner, Orleans; Brendan Joyce, Dennis; Willard Sheppard, Yarmouth; Allen Abrahamson, Sandwich; Robert G. Brown, Commission Counsel; Gordon Clark, Agent for the Applicant; and Jerry Selby, Owner of the Barnstable News Store.

The Committee's decision had been filed with the Town Clerk on April 18, 1990, and the appeal entered with the Commission on April 25, 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.

Gordon Clark addressed the Commission and displayed a rendering of the proposed alteration which is basically an awning over the door. He stated the Committee was arbitrary as there are many other examples of architecture like it in Route 6A. He stated he felt the Committee's decision was somewhat colored and based more on personal taste. He displayed a petition that was signed by many patrons of the store. He described various alternative plans for the store and showed pictures of the building next door with its overhang.

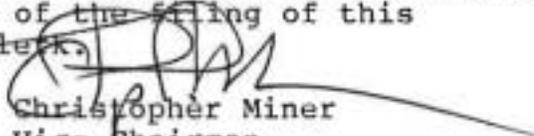
Peter Freeman, representing the Barnstable Committee, addressed the Commission to explain the Barnstable Committee's reasons for denial. He stated that the allegations that the Committee's decision was based on personal taste was specious. The alteration may well be architecturally pleasing but it is not historically appropriate. He read the denials which were issued in both applications to the Barnstable Committee and further stated that all of the examples shown are on different structures architecturally.

After lengthy discussion, the Commission took the following votes:

1. That the Barnstable Committee did not act in an arbitrary, capricious or erroneous manner in denying the Request for a Certificate of Appropriateness. 2-1-2. (failed due to inability to attain a majority of the quorum).

2. That the Barnstable Committee did act in an arbitrary, capricious or erroneous manner in denying the Certificate of Appropriateness and that the matter be remanded to the Barnstable Committee. 1-3-1. (failed due to inability to attain a majority of the quorum).

As neither motion was able to attain a majority of the quorum, the appeal is deemed DENIED and 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