



Old King's Highway Regional Historic District Commission
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BREWSTER TOWN CLERK
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CROSSROADS NURSERY AND FLOWER SHOP INCORPORATED

v.

Decision #92-10

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

On Tuesday, January 5, 1993 the Commission held a hearing on Appeal #92-10 filed by Crossroads Nursery and Flower Shop Incorporated seeking review of a decision by the Brewster Historic District Committee which had denied a Certificate of Appropriateness for a structure to be located at 2421 Main Street, Brewster, Massachusetts.

Present were Christopher Miner, Orleans; Avarid Craig, Dennis; Janet Francis, Brewster; Peter Freeman, Barnstable; Steve Carmel, Sandwich; Robert G. Brown, Commission Counsel; and Arthur Croce, Agent for the Appellant.

The Committee's decision had been filed with the Town Clerk on September 21, 1992, and the appeal entered with the Commission on October 16, 1992. The 30 day determination period was waived by agreement.

THE APPELLANT'S PRESENTATION:

Arthur Croce, Agent for the Appellant, addressed the Commission in favor of the appeal. He identified himself as the new owner of the nursery and stated that he wanted to erect a poly-house on the property located at the intersection of Route 6A and Underpass Road in Brewster. He stated that the property was approximately on-half of an acre and that the structure involved would be would be a pipe-frame structure with poly-plastic coverage. He displayed a picture of an existing poly-hoe located on Route 137 in Brewster at the site of the Crocker Nursery. He stated that the proposed structure would be 17 x 68 feet with a maximum height of 8.20 feet. He stated that the pictures that had been

presented to the Board were taken in winter and that from mid-March through Christmas the structure would be blocked by merchandise. He stated that he did not feel that the erection of the structure would in any way derogate from the intent and purpose of the Historic District Act and he asked that the Commission allow the appeal.

THE COMMITTEE'S PRESENTATION:

Janet Francis, representing the Brewster Committee, addressed the Commission to explain the Brewster Committee's reasons for denial. She displayed pictures of the locus and stated that the other greenhouses referenced by Mr. Croce were constructed prior to the creation of the Historic District. She stated that, at the first meeting of the Committee, there was discussion of appropriateness and of hardship. She said that the Committee had made an on-site review of the property and that the application had later failed by a 2-2 vote. She stated that in the immediate area there were several early homes. She said that the Committee felt that this size building was not appropriate for this site and that the proposed screening was not appropriate.

DISCUSSION:

In general discussion, the Brewster Committee and the Appellant and the Commission felt that the matter could be compromised on remand to the Brewster Committee.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the Sandwich Committee did not act in an arbitrary, capricious or erroneous manner in denying the Appellant's Certificate of Appropriateness. 3-0-2.

DETERMINATION:

Based on the above findings the matter was remanded to the Brewster Committee. 4-0-1.

Any person aggrieved by this decision has a right to appeal to the District Court Department, Orleans Division, within 20 days of the filing of this decision with the Brewster Town Clerk.



Peter L. Freeman
Chairman