



Old King's Highway Regional Historic District Commission  
P.O. Box 279, Hyannis Mass. 02601

TOWN CLERK  
BARNSTABLE, MASS.  
Telephone: 617-775-1766

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**EDWARD CALDWELL and  
CHRISTIANA CALDWELL**

v.

**Decision #92-8**

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

On Tuesday, September 29, 1992 the Commission held a hearing on Appeal #92-8 filed by Edward Caldwell and Christiana Caldwell seeking review of a decision by the Barnstable Historic District Committee which had denied a Certificate of Appropriateness for the construction of a building to be located at Lot 4, West Main Street (Route 6A), West Barnstable, Massachusetts.

Present were Chester Shea, Dennis; Janet Francis, Brewster; Lee Davis, Barnstable; Steve Carmel, Sandwich; Christopher Miner, Orleans; Robert G. Brown, Commission Counsel; Robert F. Smith, Attorney for the Appellants; Everett Boy, Agent for the Appellants; and Edward Caldwell and Christiana Caldwell, Appellants.

The Committee's decision had been filed with the Town Clerk on September 11, 1992, and the appeal entered with the Commission on September 12, 1992, within the 10 day appeal period.

In the absence of Peter L. Freeman, the meeting was chaired by the Vice-Chairman, Christopher Miner.

**THE APPELLANT'S PRESENTATION:**

Robert F. Smith, Attorney for the Appellant, addressed the Commission in favor of the appeal. He distributed a memorandum in support of the appeal and also displayed a site plan

of the proposed construction. He described the proposed construction as a 48' x 32' hip-roof colonial, with a small ell. He displayed numerous pictures of Route 6A and the general area. He stated that the house would not be repetitious of anything in the immediate area. He said that the Barnstable Committee was incorrect in saying that the house was incompatible with the immediate area and, in any event, did not say what the incompatibility was. He also said that the Barnstable Committee was incorrect in dealing with the immediate surroundings and that this size house on this size lot would be compatible with the Historic District Act.

#### THE COMMITTEE'S PRESENTATION:

Lee Davis, representing the Barnstable Committee, addressed the Commission to explain the Barnstable Committee's reasons for denial. He stated there was in fact on 45' x 100' building when one factored in the garage on the site. He said that the Barnstable Committee suggested that there be two buildings on the site rather than one building. He said that Route 6A is about 15' in elevation above the site that that two buildings rather than one building would greatly reduce the massing of the building.

#### DISCUSSION:

Everett Boy, Agent for the Appellants addressed the Commission in favor of the appeal. He said that there had been several attempts by the Appellants to work with the Barnstable Committee. He stated that there are at least 300 feet of distance between this building and the nearest building. He said that when buildings are separated by considerable distance and are well-screened there should be no problem. He said that the hip-roof will help diminish the size of the building and this, along with the elevation, will make the building barely visible.

Edward Caldwell, Appellant, addressed the Commission in favor of the appeal. He stated that he had designed the house and had designed the house in such a manner as to soften the size of the house.

In general discussion, the Barnstable Committee and the Appellants felt that the matter could be compromised on remand to the Barnstable Committee.

**FINDINGS:**

The Commission made the following Findings of Fact:

1. That there was a significant possibility that the matter could be compromised on remand to the Barnstable Committee. 4-0-1.

**DETERMINATION:**

Based on the above findings the matter was remanded to the Barnstable Committee. 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