

Old King's Highway Regional Historic District Commission  
P.O. Box 2187, Hyannis, Mass. 02601  
Telephone 508-775-5793

JOHN O. DELLAMORTE

v.

Decision #93-17

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

On Tuesday, December 7, 1993 the Commission held a hearing on Appeal #93-17 filed by John O. DellaMorte, seeking review of a decision by the Barnstable Historic District Committee which had denied a Certificate of Appropriateness for the construction of a radio antenna to be located at 1578 Route 6A, West Barnstable, Massachusetts.

Present were Avard Craig, Dennis; Janet Francis, Brewster; Robert Stewart, Barnstable; Christopher Miner, Orleans; Steve Carmel, Sandwich; Elizabeth Antonellis, Yarmouth; Robert G. Brown, Commission Counsel; Russell J. Redgate, Attorney for the Appellant; John O. DellaMorte, Appellant; and Michael O'Neil, an abutter to the Appellant's property.

The Committee's decision had been filed with the Town Clerk on November 12, 1993, and the appeal entered with the Commission on November 17, 1993, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Russell J. Redgate, Attorney for the Appellant, addressed the Commission in favor of the appeal. He stated that the Appellant is an amateur radio operator and had erected a radio tower in the backyard of his home on Route 6A in West Barnstable. Attorney Redgate stated that the erection of the tower was done without approval by the Barnstable Committee and he apologized for that omission. Attorney Redgate displayed pictures of the tower and a plot plan of the site in

TOWN CLERK  
BARNSTABLE, MASS.

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question. He stated that the Barnstable Committee had approved the erection of the tower, but in a different location which would seriously affect his client's use of the tower. He stated that the tower is located to the rear of his client's lot and would be barely visible from Route 6A. He stated that the Barnstable Committee had exceeded its authority in that it really didn't make much difference where the tower was placed.

#### THE COMMITTEE'S PRESENTATION:

Robert Stewart, representing the Barnstable Committee, addressed the Commission to explain the Barnstable Committee's reasons for denial. He stated that the Barnstable Committee had, by a 3-1 vote, denied the Appellant's application. He stated that the proposed tower is white and would be visible from several areas on Route 6A. He stated that this area of this District is one of the oldest areas of the District and that it was important to maintain this area of the District.

#### DISCUSSION:

Michael O'Neil, an abutter to the locus in question, addressed the Commission in opposition to the appeal. He distributed pictures of the area in question and stated that the proposed tower would be visible from at least six locations on Route 6A as well as Locust Lane and the railroad tracks.

In general discussion, various members of the Commission felt that more could be done to make the tower less visible in its current location.

#### FINDINGS:

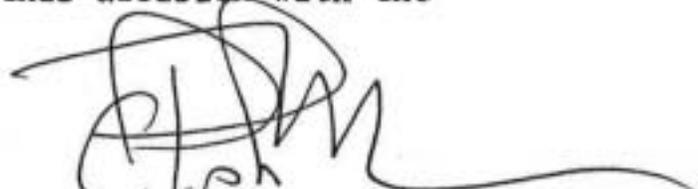
The Commission made the following Findings of Fact:

1. That the Barnstable Committee acted in an erroneous manner in determining that the Appellants' application was inappropriate for the area. 5-0-1.
2. That the determination of the Barnstable Committee be revised and a Superceding Certificate of Appropriateness be issued with the conditions that the tower remain in its present location and that the tower be painted so as to make less visible. 5-0-1.

DETERMINATION:

Based on the above findings the Commission voted 5-0-1 to allow the appeal subject to the above conditions.

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 R. Miner  
Chairman