



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

LESLIE MORELAND and
ARTHUR CROCE

v.

Decision #93-4

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

LSR
93 JUN 14 AM 11:22
BREWSTER TOWN CLERK

On Tuesday, April 13, 1993 the Commission held a hearing on Appeal #93-4 filed by Leslie Moreland and Arthur Croce 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; Pat Rothermel, Dennis; Janet Francis, Brewster; Peter Freeman, Barnstable; Steve Carmel, Sandwich; Robert G. Brown, Commission Counsel; Arthur Croce, Appellant; and many interested members of the public.

The Committee's decision had been filed with the Town Clerk on March 4, 1993, and the appeal entered with the Commission on March 14, 1993, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Arthur Croce, Appellant, addressed the Commission in favor of the appeal. He stated that he had applied to the Brewster Committee to erect a a poly-house or cold frame on the property located at the intersection of Route 6A and Underpass Road in Brewster. He said that there would be a five foot difference in grade from the road to the location of the cold frame. He said that he needs protection for certain plants and that almost every competitor has a cold frame in operation. He stated that agriculture has traditionally been treated favorably by the statutes in the Commonwealth and that the cold frame does not require a building permit and

would be exempt from zoning. He said that the Brewster Committee was willing to approve a glass structure but this would be financially difficult as it would be 6-7 time more expensive than a plastic structure.

THE COMMITTEE'S PRESENTATION:

Janet Francis, representing the Brewster Committee, addressed the Commission to explain the Brewster Committee's reasons for denial. She distributed copies of the minutes of the meetings where the application was considered and displayed a vista-view of the property from the intersection of Route 6A and Underpass Road. She stated that, although the Brewster Committee felt bad for the Appellant, the Committee could not get past the size, length, composition and visibility of the structure and the Brewster Committee agreed unanimously that it would be inappropriate. She stated that Crossroads Nursery has existed at this location for a number of years and has never used a cold frame.

Roy Robinson, a member of the Brewster Committee, addressed the Commission in opposition to the Appeal. He stated that there really isn't any way to hide the structure.

Pat Busch, a member of the Brewster Committee, addressed the Commission in opposition to the Appeal. She stated that the Brewster Committee had reviewed the matter on remand from the Commission and still felt that it was inappropriate.

DISCUSSION:

In general discussion, members of the Commission felt that a smaller structure could be justified on the basis that, due to the difference in grade and the angle of the road as it affected the vantage point of approaching vehicles, a smaller structure would not be visible from the way. The Appellant indicated he would not oppose a smaller structure.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the Brewster Committee did act in an erroneous manner in denying the Appellant's Certificate of Appropriateness. 3-1-1.

DETERMINATION:

Based on the above findings the Commission voted to revise the determination of the Brewster Committee and issue a Superceding Certificate of Appropriateness calling for the structure shown on the plans submitted to be reduced to a length of not more than 50 feet with not less than 18 feet to be removed from the western end of the structure as shown on the plans. 3-1-1.

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.



Christopher R. Miner
Chairman