

(With drawn by Applicant) FORM - "D"

FOR APPEAL FILING PROCEDURE
ARTICLE III, SECTION 5 & 6
THE RULES AND
REGULATIONS.
Please type or print

PETITION FOR APPEAL

DOCKET NO. 945
DATE FILED 9/6/94
(for official use only)

Old King's Highway Regional Historic District Commission

Spirits Realty Trust, Ed Richardi, Trustee
Appellant

vs.

Town Historic District Committee

1. This is an appeal from the above listed town committee's decision (a copy is attached) on
Spirits REalty Trust's application for 3010 Main Street, Barnstable
(applicant) (project)
located at 3010 Main Street, Barnstable
dated 8/24/94 and ~~approved~~ (approved/disapproved) by the town's historic district committee on
8/30/94 and filed on 9/1/94
date date

2. The reason for this appeal is: applicant was not given any specifications when he applied
or permit. The sign is no larger than several others signs in the immediate
area. The sign is tasteful and is considerably smaller than the original sign.
As the building has always been a commercial building it has always had signage.
Applicant called the law office of Peter Freeman and spoke with his secretary to
request a continuance as applicant was out of the state. Applicant was not notified of
(if further remarks are needed, attach additional 8 1/2 x 11 sheets.)
the August 24th meeting.

3. The relationship of the appellant to the subject of appeal is that of
Applicant
(applicant/abutter/other aggrieved party)

4. The remedy sought by the appellant is to request a variance as the sign is suitable.
(reversal to town committee's decision/annulment of town committee's decision/remand application to town committee)

5. I hereby certify that I have given notice of this appeal to Town Clerk, Town Committee & applicant, if different.

9/2/94
date

Edmund M. Culhane
signature of appellant or designated rep.

Appellant's Address 46 Stonehedge on Barnstable Tel. Number 362-9706

* include name, address & telephone of designee if appellant is not self-represented.

'94 SEP -1 P2:30



Town of Barnstable

Old King's Highway Historic District Commission

230 South Street, Hyannis, Massachusetts 02601

(508) 790-6290 Fax (508) 790-6454

DECISION

(As established by Article III Section II(a) and (b) of Chapter 470, Acts of 1973, and amended by Chapters 298 and 845 of 1975; Chapter 273 of the Acts of 1976; Chapter 38 and 503 of Acts of 1977; Chapter 436 of Acts of 1978; Chapter 631 of the Acts of 1979; and Chapter 338 of Acts of 1982.)

TO: Linda Leppanen, Town Clerk

FROM:

Peter L. Freeman R.P.F. David A. Whit
Peter L. Freeman, Chairman, Old King's Highway

DATE: August 30, 1994

Application of : Spirits Realty Trust
Ed Richardi
3010 Main Street
Barnstable, MA 02630

This case was continued from July 27, 1994 and again at the applicant's written request from August 8 to August 24, 1994. The Committee decided to hear the case, however, no one was present to represent the applicant. A public hearing was held Wednesday, August 24, 1994 on the afore said application for a Certificate of Appropriateness for an existing sign for which a sign permit had not been applied for or received. Spirits Realty Trust was issued a Cease and Desist Order from the Town of Barnstable Building Commissioners Office by Gloria Urenas the Zoning and Sign Enforcement Officer. A copy of the Cease and Desist Order was reviewed by the Old King's Highway Committee.

Based on the evidence submitted to the Old King's Highway, the Committees' findings were as follows:

1. The sign was installed prior to application.
2. The size of the installed sign is larger than the 2 square foot allowed by Zoning Bylaw.
3. The size of the installed sign is larger than the 12 square feet authorized by the Old King's Highway Regulations.
4. The maximum amount of time allowed before making a decision was due to expire, no request to extend time frames had been received from the applicant.

A MOTION was duly made and seconded that the OKH Commission Deny the plans as presented. All members voted unanimously to deny the Certificate of Appropriateness.