

Old King's Highway Regional Historic District Commission
First District Courthouse, Barnstable, Mass. 02630 Telephone: 617-362-1222

COPY



Robert E. Dibble,

Appellant

vs.

Old King's Highway Regional
Historic District Committee
in the Town of Brewster

Appellee

DECISION

No. 80-11

A hearing was held on October 22, 1980, by the above Commission upon an appeal by the above appellant from a decision of the Brewster Historic District Committee denying a Certificate of Appropriateness for the placement of vinyl siding on the Brewster General Store located at 1935 Main Street (Route 6A), Brewster, Mass.

Present were: Mr. MacSwan, Barnstable, Mr. Hanger, Dennis, Mr. Ivers, Brewster, Mr. Sutton, Sandwich, Mr. Long, Yarmouth, Attorney Perry, appellant's attorney, James R. Wilson, attorney for the Commission, and Mr. Dibble. Also present were a number of local residents.

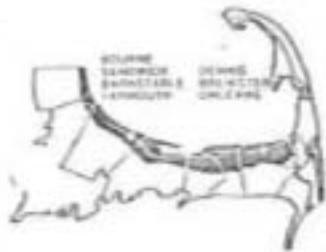
Submitted to the Commission were the following items:

1. Financial statements indicating the cost of the operation of the Brewster General Store.
2. Photographs of the building including an older picture showing the building as a church.
3. Samples of vinyl siding.
- 4.- A petition with over 280 signatures of concerned citizens supporting the placement of vinyl siding on the property.
5. Various literature and reports on the negative aspects of vinyl siding.

Additionally, all of the members of the Commission indicated that they had previously viewed the site and were familiar with the building in question.

Mr. MacSwan reviewed the history of the application and indicated that each member had received a copy of the appeal petition as well as related documents prior to this hearing.

The decision of the Town Committee had been filed on September 25, 1980 and the appeal filed with the Commission on October 3, 1980, within the prescribed 10 day appeal period.



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Attorney Perry addressed the Commission on behalf of the appellant and indicated that the denial of a Certificate of Appropriateness constituted a severe hardship to his client. He reviewed the various financial statements and indicated that his client would not be able to maintain the business were he required to place wood siding on the back three sides of the structure. He indicated that the front side of the building would remain as wood and that only the rear and two sides of the building would be the vinyl material. He indicated that estimates of the potential cost for wood were much higher than that of using vinyl siding. He further indicated that the Brewster Committee had previously approved the use of vinyl siding on other buildings which had historic significance and that his client was aware of the many hazards of the use of vinyl siding and would take appropriate steps to insure that the historic attributes of the building would not be damaged.

Mrs. Hansen stated that she had an old historic dwelling and that she had been allowed to put vinyl siding on it two years ago and that she was fully satisfied with its appearance.

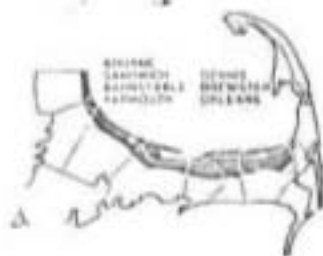
Mr. Hayes testified that he had purchased an old captain's house and intends to put vinyl siding on it.

Mr. Crocker testified that he felt the Committee was being too strict in not allowing the use of vinyl siding.

Mrs. Gage and Mr. Corcoran also indicated that they supported the use of vinyl siding in the town.

Mr. Ivers addressed the Commission on behalf of his committee and indicated that the committee had extensively researched the issue of vinyl siding as a substitute for wood and reached the conclusion that vinyl posed a threat to the structural soundness of the building. He pointed out that literature distributed by the Federal and State governments recommended against the use of vinyl and other types of synthetic siding on historic buildings. Mr. Ivers read from various pamphlets which stated that the use of synthetic sidings could promote rot and insect damage as well as presenting a toxic gas hazard in the event of fire. He further indicated that the use of vinyl siding posed a threat to the integrity of the district because if promoted a "false front" or "plastic facade" appearance to the structure in the District.

Attorney Perry stated that Mr. Dibble was fully aware of all the risks and would take all possible steps to insure the protection and integrity of the building. He further indicated that the front of the building would



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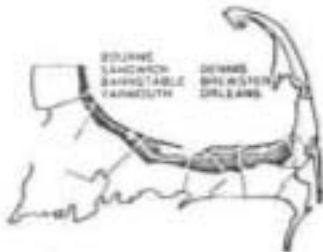
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remain wood and that there would be no destruction of any wooden ornamentation on the building.

Based upon the information before the Commission, it makes the following findings:

1. That it would cost \$17,000.00 to apply wood siding to the proposed structure as opposed to \$5,500.00 to place vinyl siding on the structure.
2. That the appellant's building is unique in that the massive size would require extensive scaffolding in order to restore the wood siding on the building.
3. That the disapproval of the Certificate of Appropriateness will constitute a unique financial hardship to the appellant.
4. That the committee erred in not finding a financial hardship in this appellant's situation.
5. That the unique nature of the building's use as a traditional general store supports its need to be maintained as a profit-making asset of the Regional Historic District.
6. That failure to approve the use of vinyl siding poses a threat to the cost-efficiency of the business and thereby a threat to the building itself.
7. That the appellant's assurances that he will minimize the risk of damage and loss through rot and insect infestation provides some protection for the future integrity of the building.
8. That the Commission may approve the project without substantial detriment to the public welfare and without substantially derogating from the intents and purposes of the Act.
9. That a Certificate of Appropriateness issue allowing the appellant to place Birds Smooth White Vinyl Siding (or such other vinyl siding as the Brewster Committee and the appellant may mutually agree upon) on the rear and sides of the Brewster General Store.

The parties are advised that they may appeal this



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decision to the Orleans District Court by entering a written appeal within twenty (20) days of the date this decision is filed with the Brewster Town Clerk.

Respectfully submitted

Elliott B. MacSwan
Elliott B. MacSwan, Chairman

October 28, 1980