

Old King's Highway Regional Historic District Commission
First District Courthouse, Barnstable, Mass. 02630 Telephone: 617-362-4092

WINKIR REALTY TRUST)
Appellant)
VS)
THE OLD KING'S HIGHWAY)
REGIONAL HISTORIC DISTRICT)
COMMITTEE FOR THE TOWN OF)
YARMOUTH)

DECISION
Case No. 81-11

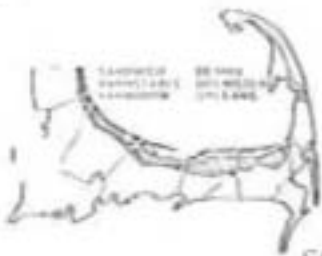
A hearing was held on November 4, 1981, by the above Commission on an appeal filed by Winkir Realty Trust from the decision of the Yarmouth Historic District Committee disapproving an application for a Certificate of Appropriateness in which Winkir Realty Trust seeks approval for the construction of a new office building at 923 Route 6A, Yarmouth Port, Massachusetts.

Present were: Mr. MacSwan, Barnstable, Mr. Ivers, Brewster, Mr. Brown, Orleans, Mr. Long, Yarmouth, Mr. Marsh, Dennis, Mr. Sutton, Sandwich, Attorney Wilson, Commission Counsel, Attorney McGrath for the applicant, Mr. Oberdorf, architect for the applicant and Barry Paster and various others concerned.

The decision of the Yarmouth Town Committee was filed with the Town Clerk on October 6, 1981, and an appeal was entered with the Barnstable District Court on October 15, 1981, with the matter remanded to the Commission on October 20, 1981. Copies of the proposed building were submitted to the Commission and acknowledged by all parties to be the original proposed drawing. All of the Commission members indicated that they had previously visited the site and had reviewed the appeal petition and related documents.

Attorney McGrath addressed the Commission and stated that his clients felt that the Committee's decision was dominated by personal taste and a concern for detail rather than the over-all general design. He further indicated that the building was in harmony with other buildings in the Yarmouth Port area. He further talked about the 145-year old history of The Register Newspaper which is intended to be the principal tenant of the building.

Mr. Oberdorf stated that the design was created to accommodate the space needs of his client and while acknowledging that the building was extremely large, that the hip roof and various other details were incorporated to reduce the visual impact of the building's massive size. He further indicated that the building



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contained many major elements that exist in other buildings found along Route 6A and that he was attempting to incorporate as many elements as possible so as to provide variety to the facade of the building.

Mr. Long stated that the Committee at their hearing on September 23, 1981, indicated to the applicant that they felt the excessive unbalanced use of windows, doors, and other features created severe problems in the appearance of the front elevation and suggested a series of modifications so as to make the design more symmetrical and simplified in appearance. The Committee further indicated that it felt the cedar shingled chimneys were inappropriate. The Committee deferred further action until the next meeting and suggested that the applicant submit revised proposals and return with their architect. On October 6, 1981, the Committee discovered that the 45-day time limit was running out and that they were required to act or else the application would be automatically approved.

The Committee denied the application as they had not received any word from the applicant and were under a time limit to act. The applicant subsequently filed a new application with an amended plan which was later approved by the Committee.

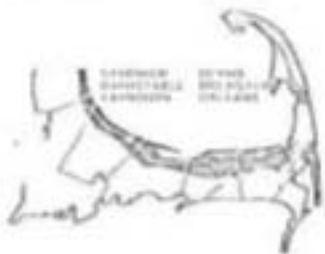
Mr. Oberdorf then stated that his design was carefully thought out and that the many details that were being criticized by the Yarmouth Committee were purposely included in the design in order to break the massive appearance of the building. He further offered photographs and pictures of various buildings that illustrated all of the various features contained in his design.

After lengthy discussion by the Commission, including a statement by Mr. Brown of Orleans who is an architect and former teacher of architecture, the Commission makes the following findings:

1. The design as submitted is defective and inappropriate as it contains an unsympathetic and inappropriate mixing of architectural features that detract from the appearance of the proposed building and renders the proposed design incompatible with its setting in the Sun Flower Shopping Plaza.
2. That the Committee did not err or exceed its authority when it disapproved the proposed plans in the form that they were submitted to the Committee.

WHEREFORE the decision of the Yarmouth Town Committee is affirmed 5-0-1.

The applicant was advised that they may appeal to the



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First District Court of Barnstable within twenty (20) days of the filing of this Decision with the Yarmouth Town Clerk.

Respectfully submitted


Elliott B. MacSwan, Chairman

November 5, 1981

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