



WALLACE
MCCLENAN
BARNSTABLE, MASS.

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

R. Wallace McClenahan,

Appellant

VS.

CASE No. 82-6

Old King's Highway Regional
Historic District Committee
for the Town of Barnstable

DECISION

A hearing was held on June 2, 1982 by the above Commission on the appeal filed by R. Wallace McClenahan to a decision by the Barnstable Historic District Committee which denied an application for the use of vinyl clapboard type siding on the West side of the house and addition located at 2939 Route 6A, Barnstable, Massachusetts.

Present were Mr. MacSwan, Barnstable, Mr. Brown, Orleans, Mr. Long, Yarmouth, Mr. Sutton, Sandwich, Mr. Ivers, Brewster, Mr. Wilson, counsel for the Commission, Mr. & Mrs. McClenahan, appellants, David B. Cole, Counsel for the appellants, Mr. Schifflitt and Mr. Caggenano, contractors.

The decision of the Barnstable Committee was filed with the Town Clerk on April 27, 1982 and the appeal entered with the Commission on May 6, 1982.

All members indicated they had visited the site and were familiar with the neighborhood. In addition there were photographs introduced showing the house and a south elevation where vinyl siding is being applied.

Mr. Cole addressed the Commission on behalf of the appellants and stated that his client was not informed of the guidelines which he felt were met by his client.

Mr. Cole introduced photographs of two older homes in other Cape towns which had used vinyl siding over ten years ago and that they enhanced the homes' appearance. He further indicated that from a financial basis the savings in the use of vinyl siding vs. painting over a 40 year period were \$60,000. (This estimate based upon information and calculations furnished by his clients.)

Mr. Cole introduced two letters, one from Mr. McClenahan to Mr. Ivers, Chairman of the Commission, in which he detailed correspondence with Mr. MacSwan, Chairman of the Barnstable Committee and attached information on performance of vinyl siding, structural integrity and aesthetics, economic factors by using vinyl siding vs. painting over a forty year period of time and the fact that he was not made aware of the guidelines.



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The second letter was to Mr. MacSwan, Chairman of the Barnstable Committee, in which he made the following points: He acknowledged that he had read the literature on vinyl siding furnished to him by Mr. MacSwan, the location of the vinyl siding on his home, the color and appearance of the vinyl siding, the performance of vinyl siding on two houses - one 100 years old and the other 175 years old, the cost of vinyl siding vs. painting on a 40 year period of time with a suggested savings of \$60,000.

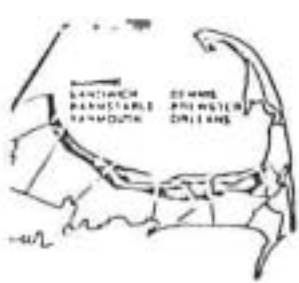
Mr. McClenahan addressed the Commission re-asserting the points which Mr. Cole made and also indicating that his intention was to clad the entire house with vinyl siding at some time in the future.

Mr. MacSwan addressed the Commission presenting the Barnstable Committee's reasons for denial

1. This is one of the oldest and most attractive houses in the area.
2. The white painted shingled sides, hand shingled and painted, give a degree of slight unevenness and a look of antiquity,
3. Vinyl siding will change the appearance completely giving it a smooth, shiny, manufactures plastic look.
4. The Committee firmly believes that the paint under the siding will flake off, fill the air holes, and then a deteriorating process will take place.

Mr. MacSwan indicated that the Committee didn't use the guidelines as they believed that Judge Welsh's recent decision on solar energy made the guidelines unenforceable. He further indicated that the Act itself is the primary and governing authority and appropriateness is the key factor in determining approval or denial.

Mr. Brown pointed out the first Section of IV, Paragraph 4 "Materials and methods: applicants are encouraged to employ in their designs building materials and forms indigineous to the area." He further stated that it would appear that there is no other vinyl siding within the area. He raised a number of questions regarding the application of the siding, particularly as it relates to scribing and scoring at corner boards and in the eaves. Mr. Schiflett, the contractor, responded to these technical questions.



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Mr. Ivers cited the importance of the Act in reaching decisions and that the guidelines were not the only governing factor.

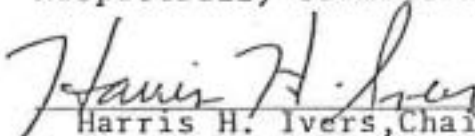
After lengthy discussion, the Commission made the following finding:

1. That the Barnstable Committee's decision was not arbitrary or capricious and that it did not exceed its authority in denying the applicant's request to place vinyl siding on the proposed addition.

2. That the Committee did not commit reversible error when it struck the vinyl siding requested portion from the application.

The parties are advised that any person aggrieved by this decision may file an appeal with the First District Court of Barnstable by entering said appeal within twenty days of the filing of this Decision with the Barnstable Town Clerk.

Respectfully submitted,


Harris H. Ivers, Chairman

June 3, 1982.

Filed June 7, 1982