



Old King's Highway Regional Historic District Commission
First District Courthouse, Barnstable, Mass. 02630

Telephone: 617-362-4092
1982 JUN 30 PM 4:05

JENNIFER RUTH LOVEJOY
Appellant

TOWN OF YARMOUTH
TOWN CLERK & TREASURER

VS.

DECISION
Case No 82-8

OLD KING'S HIGHWAY REGIONAL
HISTORIC DISTRICT COMMISSION
FOR THE TOWN OF YARMOUTH

A hearing was held on June 29, 1982, by the above Commission on an appeal filed by Jennifer Ruth Lovejoy to a decision by the Yarmouth Historic District Committee which had approved an application for a Certificate for Demolition and a Certificate of Appropriateness involving a dwelling located at 72 Union Street, Yarmouth, Massachusetts.

Present were Mr. MacSwan, Barnstable, Mr. Ivers, Brewster, Mr. Brown, Orleans, Mr. Hanger, Dennis, Mr. Sutton, Sandwich, Mr. Long, Yarmouth, Mr. Wilson, counsel for the Commission, Mr. McKeon, John MacKenzie, Jim Weasel, Lucille Lovejoy, Elisabeth Stanley, Arthur Lovejoy, Allen Bent and Walter Nickerson.

The decision of the Yarmouth Committee was filed with the Town Clerk on May 27, 1982 and the appeal entered with the Commission on June 4, 1982, within the ten day appeal period.

All members indicated that they had visited the site and were familiar with the neighborhood. Additionally photographs of the building were submitted to the members as well as petitions of concerned neighbors and written statements by various historians and restorers of buildings.

Ms. Lovejoy addressed the Commission and stated that the Committee had erred due to a lack of sufficient information concerning the history of the building and its ability to be restored. She pointed out that the building appeared to be at least 300 years old; that the fire damage to the building was not as significant as originally believed and that it was capable of being restored with appropriate timbers and materials. She further indicated that the building inspector had changed his position and now was willing to allow the building to be restored. A list of items to be restored was submitted to the Commission and is attached hereto as Exhibit A.

Mr. Bent who was the original agent for the Lovejoys addressed the Commission and stated that he had been requested to give a professional opinion on whether or not the building could be restored. He gave that opinion in good faith and later entered into a contract with the owners that would necessitate destruction of the center of the building. He felt



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that his opinion was correct and that the building could not be effectively restored.

Mr. McKeon and Mr. MacKenzie both addressed the Commission indicating their opinion that the building was restorable. Mr. MacKenzie indicated that only about one-third of the roof rafters had been destroyed by the fire; that they were oak timbers that should be replaced with oak.

Mr. Long stated that his Committee would not oppose the appeal filed by Jennifer Ruth Lovejoy.

Mr. Brown examined the list contained in Exhibit A and made various inquiries of the appellant to verify the structural soundness of the building.

After lengthy discussion the Commission made the following determinations:

1. That the insufficient information developed at the Committee hearing resulted in erroneous granting of a Certificate of Demolition and Appropriateness by the Committee.

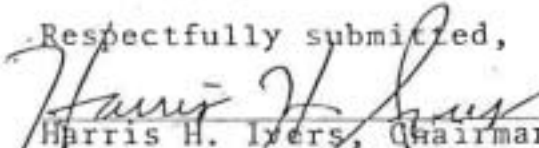
2. That the new information available to the Commission warrants annulling of the Town Committee's decision and therefore the decision by the Committee is annulled.

3. That the building can be restored and a revised Certificate of Appropriateness issued that would allow the building to be restored with the work being done similar to the character described in Exhibit A. attached hereto.

4. That the requested Certificate for Demolition is denied.

The parties are advised that this decision may be appealed to the Barnstable District Court by filing an appeal within twenty days of the entry of this decision in the records of the Yarmouth Town Clerk.

Respectfully submitted,


Harris H. Ivers, Chairman

June 30, 1982

"Exhibit A"



JOHN C. MACKENZIE

REPRODUCTIONS, RESTORATIONS, AND
APPRAISALS OF EARLY AMERICAN HOUSES

Main street, Brewster, Mass. 02631

385-9285

Lovejoy House Yarmouthport, Mass.

June 29, 1982

Remove: roof shingles
damaged roof boarding
damaged rafters, purlins, and collar ties
damaged second floor boarding
ceiling in old kitchen
frame around chimney
wall shingles
windows and door on west wall
exterior trim

Repoint foundation
replace and shore up first floor frame as necessary
level first floor as possible
restore frame at chimney to original
replace flooring at second floor as necessary with 1" ^{thick} wide pine
Replace rafters, purlins, and collar ties as original
reboard and renail roof and walls as necessary with 1" ^{thick} wide pine
install 1" or 2" foil covered styrofoam on roof and walls
shingle roof with 18" red cedar shingles
manufacture and install window casings as original
install new exterior trim
shingle sidewalls with white cedar shingles
rebuild front door and casing
paint exterior trim
rebuild staircase as original
build new fireplace in kitchen for furnace
rewire house
install ~~2~~ 1" foam in old kitchen ceiling
install 6" fibreglass in all other ceilings including 2nd floor room
Stud exterior walls with 2x4's
install 3 1/2" fibreglass in exterior walls
lath and plaster exterior walls as original
restore or replace panelling, wainscotting, cupboards, doors, etc.
strip woodwork
prime and paint woodwork and plaster

did not figure:
major sill or foundation work
restoration of old chimney
work done to kitchen or bathroom wings.

John C. Mackenzie