



Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

Telephone: 617-775-1766

Winston G. & Barbara M. Rockefeller

vs.

DECISION
Case #83-4

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

On August 2, 1983, the Commission held a hearing on an appeal filed by Winston & Barbara Rockefeller to a decision by the Yarmouth Historic District Committee which had denied an application for a Certificate of Appropriateness for the construction of a new home on Lot 8 North Dennis Road, Yarmouth, Massachusetts.

Present were: Mr. Sutton, Sandwich, Mr. MacSwan, Barnstable, Mr. Nickerson, Yarmouth, Mrs. Hart, Dennis, Mrs. Duran, Brewster Mr. & Mrs. Rockefeller, Mr. Ivers, Adm. Asst. and Attorney Wilson, commission counsel

The decision of the Yarmouth Committee was filed on July 7, 1983, and the appeal entered with the Regional Commission on July 15, 1983, within the ten day appeal period.

The applicants presented plans, photographs and other related material to the Commission for review. These included a revised plan showing minor modifications to the building.

Mrs. Rockefeller addressed the meeting stating that the house had been designed by her after lengthy study and that she felt the features were in harmony with the intent of the Act. She indicated that the neighbors approved and supported the plans and that she felt the Committee had erred in not allowing her contemporary style building to be built. She further indicated that the house would be set back at least 100 feet from the road and would be heavily screened by the natural vegetation.

Mr. Rockefeller addressed the Commission stating that he had made alterations to accommodate the criticisms voiced by the Committee and hoped that a satisfactory resolution could be obtained.

Mr. Nickerson speaking on behalf of the Yarmouth Committee indicated that his members were concerned by the entry-way and felt that too many differing features had been included in the design.

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Mrs. Hart stated that she had viewed the site, viewed the plans and the record and felt that while it may not have been an appropriate design for Route 6A that she could find no fault with it at its proposed location.

Mr. MacSwan supported this position as did Mrs. Duran and Mr. Sutton.

After lengthy discussions, the Commission made the following findings and determination:

1. That the Yarmouth Town Committee erred when it denied a Certificate of Appropriateness for the applicants.
2. That provided the natural vegetation is not disturbed on all sides except the southeast, the design of the building is appropriate.

Therefore, the decision of the Yarmouth Committee is annulled and a Certificate of Appropriateness is hereby issued allowing for the construction of the new house in accordance with the revised plans filed with the Commission provided the applicant adheres to the following conditions:

1. That the natural vegetation not be disturbed except on the southeast side, and where necessary for the installation of the septic system and driveway.
2. That the construction be in accordance with the revised plans submitted to the Commission.

The parties are advised that this decision is subject to a 20 day appeal period under which an aggrieved party may file an appeal with the Barnstable District Court.

Respectfully submitted,


George Sutton, Chairman

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