

Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

Telephone: 617-775-1766

MICHAEL R. ^{Shay} SHEA

VS

DECISION 83-9

OLD KING'S HIGHWAY REGIONAL
HISTORIC DISTRICT COMMITTEE
FOR THE TOWN OF BREWSTER

On January 3, 1984, the Commission held a hearing on an appeal filed by Michael R. Shea to a decision by the Brewster Historic District Committee which had denied approval of certain paint colors on a building located at 1199 Main Street, Brewster, Massachusetts.

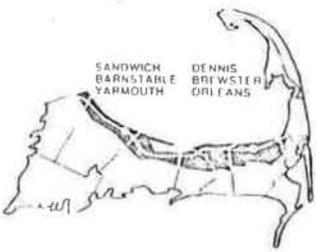
Present were: Mr. Sutton, Sandwich, Mr. MacSwan, Barnstable, Mr. Nickerson, Yarmouth, Mrs. Hart, Dennis, Mr. Montgomery, Brewster, Attorney Wilson, Commission Counsel, Mr. Ivers, Administrative Assistant and Mr. ^{Shay} Shea appellant.

The decision of the Brewster Committee was filed with the Town Clerk on December 7, 1983 and the appeal entered with the Commission on December 16, 1983, within the ten day appeal period.

Mr. Sutton read the appeal petition and inquired as to how many members had viewed the site prior to this hearing. All members stated they had visited the site and were familiar with the neighborhood. A copy of the appeal petition and minutes of prior meetings by the Brewster Committee were made available to the Commissioners.

Mr. ^{Shay} Shea addressed the Commission and presented various books and photographs of Victorian buildings indicating the use of multiple colors on the trim and detail of the building. He indicated that the proposed colors were all authentic and that the Brewster Committee had failed to provide any written statement of reasons for the denial. Additionally he indicated that the minutes reflected a personal bias in taste as a basis for the negative votes on the application.

Mr. Montgomery, speaking on behalf of the Brewster Committee, indicated that the request was denied by a 2-2 vote and further indicated that if the applicant had followed the original plan and not changed the colors, there would not have been any controversy. He further indicated that while he vote in favor of the application, he felt that the colors were very loud and that some compromise ought to have been made on the boarded-up window.



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Mrs. Hart suggested that if the colors were authentic and since the changes appeared to be minor in nature that she felt it ought to have been approved.

- Mr. MacSwan disagreed suggesting that the bright colors were not traditionally Cape Cod and that while they may be appropriate in other parts of the country for this style of house, he was of the opinion that it would be inappropriate and not compatible with the District.

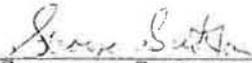
After lengthy discussion, the Commission made the following determination:

1. That the Brewster Committee erred in not setting forth a written statement of its reasons for denying the applicant's request.
2. That the decision of the Brewster Committee should be reconsidered and a new determination made in accordance with the factors set forth in Section 10 of the Act.

THEREFORE, the decision is annulled and remanded to the Brewster Committee for a new determination in strict accordance with the criteria of Section 10 of the Act.

The parties are advised there is a right to appeal this decision to the Orleans District Court within 20 days of the filing of a copy of this decision with the Brewster Town Clerk.

Respectfully submitted



George Sutton, Chairman
gts