



Old King's Highway Regional Historic District Commission  
P.O. Box 279, Hyannis Mass. 02601 .

Telephone: 617-775-1766

VILLAGES DEVELOPMENT COMPANY

vs.

Decision #84-12

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

On September 26, 1984 the Commission held a hearing on an appeal filed by the Villages Development Company seeking review of a decision by the Brewster Committee which required that a new commercial building be set back fifty feet from Route 6A in Brewster.

Present were: Mr. Sutton, Sandwich; Mr. MacSwan, Barnstable; Mr. Smith, Yarmouth; Mr. Hanger, Dennis; Mrs. Cady, Brewster; Mr. Wilson, Commission Counsel; Joseph Corcoran, agent for the applicant and Robert McLaughlin, attorney for the applicant.

The decision of the Brewster Committee was filed with the Town Clerk on August 24, 1984, and the appeal entered with the Commission on September 3, 1984 within the ten day appeal period.

All members of the Commission indicated that they had visited the site.

Plans of the building, photographs of the area as well as a locus map were reviewed by the Commission.

Attorney McLaughlin addressed the Commission on behalf of the applicant, and set forth three points as the basis of his appeal.

1. That the imposition of a fifty foot setback requirement as a condition of approval constituted a zoning regulation, and therefore was not proper concern for the Committee.
2. That the Committee exercised poor judgment in determining that setting the building fifty feet back from the street was necessary to make it appropriate.
3. That if the building were not appropriate that his client would be entitled to relief under the hardship provision of the law as the building needed greater exposure in order to promote the commercial establishments that would be located within it.

Decision #84-12 (cont.)

Mrs. Cady addressed the Commission, and indicated that the size, location and appearance of the building necessitated the additional setback. She further indicated that she thought that the applicant had agreed to the condition and was quite surprised to learn of the appeal.

After lengthy discussion with the applicant's attorney, and the applicant's attorney checking with his clients in Quincy by telephone, a compromise agreement was reached whereby the building would be located forty feet back from the layout of Route 6A, and that the Commission would issue a modified Certificate of Appropriateness in accordance with the compromise agreement.

Wherefore, by stipulation, it is agreed as follows:

The decision of the Brewster Committee to issue a Certificate of Appropriateness subject to the condition of a fifty foot setback is modified to impose a forty foot setback, and in all other respects affirmed.

Respectfully submitted,

*George Sutton*

George Sutton, Chairman

TOWN OF BREWSTER  
TOWN CLERK & TREASURER

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