



Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

Telephone: 617-775-1766

'86 MAR 10 A9:54

ELLEN B. GARNICK and
GERALD S. GARNICK

TOWN CLERK & TREASURER 1W

v.

Decision #86-1

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

On Tuesday, March 4, 1986 the Commission held a hearing on Appeal #86-1 filed by Ellen B. Garnick and Gerald S. Garnick seeking review of a decision by the Yarmouth Historic District Committee which had denied a Certificate of Appropriateness for the construction of a new residence and garage on Lot 6A off Vesper Lane, Yarmouthport, Massachusetts.

Present were Wilfred Dwyer, Dennis; John Blaisdell, Sandwich; Milton Smith, Yarmouth; Kevin Ordway, Brewster; Robert G. Brown, Commission Counsel; Mr. & Mrs. Garnick, Applicants; Mr. Ferrogamo, Architect for the Applicants; Attorney Thomas George for the Applicants; and various residents of the general area.

The Committee's decision had been filed with the Town Clerk on February 6, 1986, and the appeal entered with the Commission on February 7, 1986 within the ten day appeal period.

Attorney George addressed the Commission on behalf of Mr. & Mrs. Garnick and stated that he was a direct abuttor to the subject lot and that he was in fact a former owner of the lot, having sold it to the Garnicks' approximately one year ago. Attorney George described the general area and stated that due to the existence of a stone wall and vegetation there would be, at best, an obstructed view of the house. Attorney George compared the windows in the proposed house with windows in other homes and claimed that they were similar. Attorney George also compared the design of the proposed house to existing homes in the area to show the existence of multiple rooflines.

Anthony Ferrogamo addressed the Commission and stated that prior to designing the house, a topographical survey had been done of the lot and that much time had been spent on a walking tour of the general area in order to design a structure compatible with the surroundings. Mr. Ferrogamo further stated that the area represented a number of architectural styles with no one dominant factor and that the design of the proposed house did not incorporate any inappropriate features.

Gerald S. Garnick, Co-applicant addressed the Commission and stated that the house had been placed towards the rear of the lot because 1. the only successful percolation test was in that area. 2. to take advantage of the view.

Milton Smith, representing the Yarmouth Committee stated that the house would be very visible from all sides. Mr. Smith said that the Committee felt that the house, with its palladium windows, half-turrets and short chimney was not in character with the general area. Mr. Smith pointed out various buildings in the general area and said that the Committee did not feel that the proposed house was compatible with anything in the immediate area.

Robert DiMartile of Route 6A addressed the Commission and stated that the houses in the area were historically significant, pointing out that his house on Route 6A was c. 1780. He said there was no question that the house would be highly visible from both Route 6A and Vesper Lane. He said the house was not appropriate for the lot and that the decision of the Yarmouth Committee was an exercise in good judgment.

Peter Butt, representing the Barnstable County Mutual Fire Insurance Company addressed the Commission and stated that the house is lower than it could be and that the design is as good an alternative as possible.

Henry A. Kelley of Vesper Lane addressed the Commission and said that he felt that the house would be out of place with the general area.

After lengthy discussion the Commissioners made the following findings and determinations:

1. That the Yarmouth Committee erred in determining that the proposed design was not compatible with the neighborhood.
2. That the proposed design is in harmony with its site and the buildings in the neighborhood.

Therefore, the decision of the Yarmouth Committee is hereby annulled and a Certificate of Appropriateness is hereby issued for construction of the house in accordance with the plans on file with the Yarmouth Committee and the Commission.

Any person aggrieved by this decision has a right to appeal to the District Court Department, Barnstable Division within 20 days of the filing of this decision with the Yarmouth Town Clerk.

John Blaisdell
John Blaisdell
Chairman Pro Tem

RECEIVED

'86 MAR 10 AM 5:54

TOWN CLERK & TREASURER