



Old King's Highway Regional Historic District Commission  
P.O. Box 279, Hyannis Mass. 02601  
Telephone: 617-775-1766

GEORGE F. GREGORY

v.

Decision #86-2

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 #86-2 filed by George F. Gregory seeking review of decision by the Yarmouth Historic District Committee which had granted a Certificate of Appropriateness to Milton A. Smith for the construction of an eight foot addition to a garage located at 56 Gordon Lane, Yarmouthport, Massachusetts.

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Present were Wilfred Dwyer, Dennis; John Blaisdell, Sandwich; Walter Nickerson, Yarmouth; Kevin Ordway, Brewster; Robert G. Brown, Commission Counsel; Mr. Gregory, Applicant; Mrs. Gregory, Mrs. Robert Lloy, Mr. Robert Hitch, and Mr. Milton A. Smith.

The Committee's decision had been filed with the Town Clerk on January 30, 1986, and the appeal entered with the Commission on February 4, 1986 within the ten day appeal period.

Mr. George addressed the Commission and pointed out that the area that both he and Mr. Smith live is subject to private deed restrictions as to the size of buildings and garages and that he felt that the addition was too large and that it did not fit into the general neighborhood.

Mr. Lloy addressed the Commission and said that she had no objection to adding to the house but that she did not wish to see the garage added to.

Milton A. Smith, owner of the premises in question addressed the Commission and said that he felt that people were thinking that he was going to try to run his plumbing and heating business out of his house and that this was not true. He pointed out that the Old King's Highway Regional Historic District Commission does not have jurisdiction over such matters as zoning and private deed restrictions. He further stated that the garage was not visible from the street.

Walter Nickerson, representing the Yarmouth Committee, said that any time a committee member is an applicant there can be a problem and that these cases are always handled with care so as to not show any favoritism. He said the Committee

felt that they did not have any reason to deny the application. He stated that the Committee does not have jurisdiction over private deed restrictions and that although the addition would be long, it was compatible with the rest of the house.

Mr. Gregory said that he now understood the limitations of the Commission but that he originally thought they were the proper agency to go to.

After discussion the Commissioners made the following findings and determination:

That the Yarmouth Town Committee did not err in denying a Certificate of Appropriateness for the proposed eight foot (8') addition.

Therefore, the decision of the Yarmouth Committee is hereby affirmed subject to Mr. Smith staining any new shingles placed on the addition so that they will better blend in with the existing shingles.

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 (v)  
Chairman Pro Tem

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