



## Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

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WALTER DAWLEY

v.

Decision #87-16

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

On Tuesday, August 4, 1987 the Commission held a hearing on Appeal #87-16 filed by Walter Dawley seeking review of a decision by the Yarmouth Historic District Committee which had denied a Certificate of Appropriateness for alterations to an existing structure located at 29 Greenland Circle, Yarmouth Port, Massachusetts.

Present were Barbara Hart, Dennis; John Blaisdell, Sandwich; Milton Smith, Yarmouth; Jan Francis, Brewster; Peter Freeman, Barnstable; Robert G. Brown, Commission Counsel; Walter Dawley, Applicant; and Attorney Michael L. McGrath for the Applicant.

The Committee's decision had been filed with the Town Clerk on June 15, 1987, and the appeal entered with the Commission on June 25, 1987, within the ten day appeal period. By agreement the 30 day appeal period was waived.

Attorney McGrath appeared before the Commission on behalf of the Applicant and distributed a memorandum of in support of the Applicant's position. He displayed an enlarged copy of the Town of Yarmouth Assessor's map for the area which he described as the weak sister of the northside. He explained that his client was caught in a disagreement with the Town of Yarmouth Building Inspector as to lot lines on the lot in question. He explained that an application with a house and garage had been approved by the Yarmouth Committee but that do to the disagreement with the Yarmouth Building Inspector the garage could not be built and the Yarmouth Committee would not approve an alteration in plans to eliminate the garage. Attorney McGrath specifically protested the fact that no written decision had been given to his client by the Yarmouth Committee and asked that his objection be made part of the record. Attorney McGrath distributed photographs of homes in the general area and stated that the area was not one of any particular historical value or significance. Finally he stated that the house itself was not at all inappropriate for the area and asked that the Yarmouth Committee's decision be reversed.

Milton Smith, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for denial. He admitted that the area was not one of great historical value, but also stated that the Applicant himself had determined the style of the area as he had constructed many homes in the area, all with garages. He also stated that the Applicant had been at all of the meetings that the Yarmouth Committee had held regarding the application and that the Applicant was familiar with the Yarmouth Committee's reasons for denial.

Robert DiMartile of the Yarmouth Committee addressed the Commission and stated that he felt strongly that the action taken by the Yarmouth Committee was based on sound judgment, was without prejudice, and was based on the character of the area.

After lengthy discussion the Commission made the following determination.

1. That the Yarmouth Historic District Committee did act in an arbitrary, capricious and erroneous manner in denying the Applicants' Certificate of Appropriateness and that the Committee's decision be revised and that the Commission issue a Certificate of Appropriateness according to plans currently on file. 3-0-2

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.

*Peter Freeman (r)*  
Peter L. Freeman  
Chairman

TOWN CLERK & RECORDS  
100 STATE STREET  
YARMOUTH, MASS. 01989

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