



Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

Telephone: 617-775-1766

JOHN MCMULLEN and
SUSAN MCMULLEN

v.

Decision #87-27

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

On Tuesday, September 29, 1987 the Commission held a hearing on Appeal #87-27 filed by John McMullen and Susan McMullen seeking review of a decision by the Brewster Historic District Committee which had denied a Certificate of Appropriateness for a new building at 2655 Main Street, Brewster, Massachusetts.

Present were Ron Lindholm, Dennis; Milton Smith, Yarmouth; Michael Shay, Brewster; John Blaisdell, Barnstable; Robert G. Brown, Commission Counsel; John McMullen and Susan McMullen, Applicants; John Ingwerson, Architect for the Applicants; and Attorney Adrienne Blair for the Applicants.

The Committee's decision had been filed with the Town Clerk on September 10, 1987, and the appeal entered with the Commission on September 15, 1987, within the ten day appeal period.

John Ingwerson of Architectural Design, Inc. addressed the Commission on behalf of the Applicants and presented a model of the proposed building. He explained that the property is currently used as a Cumberland Farms convenience store. He stated that although the building would be twice the size of the existing building he did not consider it to be a large development. He described the structure to be built as being of wood with shingles and white trim. He stated that the windows would be divided windows and compared this to other buildings in the area that are small and with boxed windows. In answer to a question from Commissioner Milton Smith of Yarmouth, Mr. Ingwerson stated that the roofline would extend about ninety feet.

John McMullen, Applicant and Adrienne Blair, Attorney for the Applicants both addressed the Commission and stated that the Applicants had appeared before the Brewster Committee two weeks before the hearing and that no opposition was heard from the Committee members and that the Committee members had not familiarized themselves with the site.

Michael Shay, representing the Brewster Committee, addressed the Commission to explain the Brewster Committee's reasons for denial. He directed the Commission to the Brewster Committee's reasons for denial. Additionally he said that at the hearing there was no indication as to how the building would sit on the lot. Although the building in isolation may look compatible it is not compatible when evaluated according to the purposes of the Historic District Act. He stated that although the building does cover only 15% of the site other factors, such as the color of the building, need to be taken into consideration. In answer to the assertion that the Committee members had not familiarized themselves with the site, he stated that the Committee members were very familiar with the site as it is prominent in Brewster.

After lengthy discussion the Commission made the following determination.

1. That the Brewster Historic District Committee did not act in an arbitrary, capricious and erroneous manner in denying the Applicants' Certificate of Appropriateness and that the Appeal be denied. 3-0-1.

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

Peter L. Freeman (r)

Peter L. Freeman
Chairman