

Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

Telephone: 617-775-1766

THE VILLAGES DEVELOPMENT COMPANY

v.

Decision #87-40

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

On Tuesday, January 5, 1988 the Commission held a hearing on Appeal #87-40 filed by The Villages Development Company seeking review of a decision by the Brewster Historic District Committee which had denied a Certificate of Appropriateness for new commercial construction at Route 6A, Brewster, Massachusetts.

Present were Barbara Hart, Dennis; Michael Shay, Brewster; John Blaisdell, Sandwich; Peter Freeman, Barnstable; Milton Smith; Yarmouth; Robert G. Brown, Commission Counsel; Joseph Corcoran, Director of The Villages Development Company; William Rawn, Architect for The Villages Development Company; and John McCormick, Esquire, Attorney for The Villages Development Company.

The Committee's decision had been filed with the Town Clerk on November 25, 1987, and the appeal entered with the Commission on December 4, 1987, within the ten day appeal period. The 30 day determination period was waived by agreement of the parties.

John McCormick, Attorney for The Villages Development Company addressed the Commission and introduced Mr. Corcoran and Mr. Rawn. He stated that they would explain the project and that he would thereafter address the legal issues involved.

Joseph Corcoran, Director of The Villages Development Company addressed the Commission. With the use of various visual aids he dealt with the project's history explaining that approval for a different application had been obtained from the Brewster Committee in 1986 but that the application involved a variance from the Brewster Zoning Board of Appeals which was denied. He stated that the property was a piece of commercially zoned land on Route 6A in Brewster. He said that the area contained many examples of Greek Revival style architecture and that his company wished to be consistent with that. He explained that the new application was much the same as the earlier application except for a new parking plan and the deletion of one building.

William Rawn, Architect for The Villages Development Company addressed the Commission. He displayed photos of Thomas Jefferson's various designs in the Greek Revival style, with particular emphasis on the University of Virginia. Using very detailed renderings he explained the layout of the project stating that the center area of the project would be kept as greenspace and would not be used for parking. He stated that the buildings would generally be over 70 feet from the road way and that there would be minimal interference with scenic view.

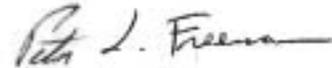
John McCormick, Attorney for The Villages Development Company addressed the Commission. He stated that all of the criteria for the District have been addressed. He stated that the Brewster Committee had expressed a preference for parking in the rear of the project and that had been addressed. He said the Brewster Committee was attempting to zone the project off the site and that in 1986 a very similar project had been approved. He said that throughout the hearing process there had been no objections from any of the abutters or residents of the area. He said that an error of law had been committed and asked that the Committee's decision be reversed.

Michael Shay, representing the Brewster Committee, addressed the Commission to explain the Brewster Committee's reasons for denial. He said there was no question that the project would be a quality development and the the decision for denial was not easy. He said that the decision to approve the earlier project in 1986 was made by a different committee and was by no means unanimous. He said the basic problem the Committee had with the project was the arrangement of the buildings. He said the Committee was not convinced by the Applicant's presentation regarding other buildings in Brewster. He stated that although the Applicant was responsive the issue of landscaping it did not override the problem with the buildings. The Committee found as a fact that the buildings proposed would be significantly larger than other buildings in the area. He emphasized that the Committee did not find as a fact that the denial would cause a hardship to the Applicant but only that it was a possibility and that even if a hardship were present any approval could not be made without substantial detriment to the public welfare or derogation from the purposes of the Act.

After very 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 their Appeal be denied. 3-1-1

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
Chairman