



Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

Telephone: 617-775-1766

MR. & MRS. GARY SHAPIRO

v.

Decision #88-2

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

On Tuesday, February 9, 1988 the Commission held a hearing on Appeal #88-2 filed by Mr. & Mrs. Gary Shapiro seeking reversal of a decision by the Yarmouth Historic District Committee which had denied Certificates of Appropriateness and Demolition pertaining to property located at 441 Route 6A, Yarmouthport, Massachusetts.

Present were Ron Lindholm, Dennis; Michael Shay, Brewster; Rob Stewart, Barnstable; Milton Smith, Yarmouth; Robert G. Brown, Commission Counsel; Mr. & Mrs. Shapiro, Applicants; and Bill Mullin, Agent for Mr. & Mrs. Shapiro.

The Committee's decision had been filed with the Town Clerk on December 16, 1987, and the appeal entered with the Commission on January 25, 1988.

Mr. & Mrs. Shapiro addressed the Commission and displayed plans of the proposed demolition and construction. They stated that they had lived at 441 Main Street-Route 6A for approximately four years and that they were members of the Historic Society. They stated that they wanted to add an addition to their house which would be compatible to the house and to other houses in the general area. They described in detail the process which led to their appeal, beginning with the original filing with the Yarmouth Historic District Committee in October, continuing to the Historic Society and back to the Historic District Committee with several revisions. They did express displeasure with the lengthy process and said that they had been told that the application would not be acted upon without the input of both the Yarmouth Historic Commission and the Yarmouth Historic District Committee. They stated that they were told that a two story addition would be too large and too massive. They distributed pictures of other homes in the District which had two story additions as evidence of the fact that a two story addition would be compatible with others in the area.

Milton Smith, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for denial. He said that the Shapiros were not told that the

application would not be acted upon without input from both sources. He stated that the Committee felt that approval of the application would not be within the intent and purposes of the Historic District Act. In support of this he cited the historic inventory of the Town of Yarmouth and material from the Massachusetts Historic Commission.

Betsy Antonellis, representing the Yarmouth Historic Commission addressed the Commission in favor of the Yarmouth Historic District Committee's denial. She stated that the building involved has recently been accepted for placement on the National Register of Historic Places and that a two story addition to the building would detract from its historic character.

Peter Butt, a member of the Yarmouth Historic District Committee addressed the Commission in favor of the Committee's denial. He questioned how far an addition such as this could go without violating the integrity of the building and questioned whether or not approval of an addition such as this would be within the intent and purposes of the Historic District Act.

After lengthy discussion the Commission made the following determinations:

1. That the Yarmouth Historic District Committee did act in an arbitrary, capricious and erroneous manner in denying the applications for Demolition and Appropriateness.
2. That the decisions of the Yarmouth Historic District Committee be and are annulled and that superceding Certificates of Demolition and Appropriateness shall issue based on plans on file with 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.

88 FEB 19 P2:22

Michael Shay
Michael Shay
Vice-Chairman

DEVELOP