

# Old King's Highway Regional Historic District Commission

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RICHARD CARL STEINKE

v.

Decision #89-1

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

On Tuesday, February 7, 1989 the Commission held a hearing on Appeal #89-1, filed by Richard Carl Steinke seeking review of a decision by the Yarmouth Historic District Committee which had approved a Certificate of Appropriateness for DeSimone Custom Builders, Inc. for the construction of two commercial buildings to be located at Route 6A, Yarmouthport, Massachusetts.

Present were Paul McGuinness, Dennis; Christopher Miner, Orleans; Robert DiMartile, Yarmouth; Janet Francis, Brewster; Peter Freeman, Barnstable; Robert G. Brown, Commission Counsel; Richard Carl Steinke, Appellant; Michael and David DeSimone of DeSimone Custom Builders, Inc., Applicant; Attorney Samuel DeSimone, representing DeSimone Custom Builders, Inc.; and a number of interested citizens.

The Committee's decision had been filed with the Town Clerk on January 12, 1989, and the appeal entered with the Commission on January 18, 1989 within the ten day appeal period.

Richard Steinke addressed the Commission and stated that the proposed building will be extremely large and will be in very close proximity to residences on three sides. He questioned whether the Yarmouth Committee had enough information at hand to make a proper decision on the application. He stated that he was not speaking for himself alone, but that there were many other people involved with him.

Robert DiMartile, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for approval. He presented a master plan of the proposed development and also presented renderings showing the two buildings which have been proposed to be constructed. He stated that the development had been under near continuous consideration since last October and that the first application had been denied due to the window treatments used. This was appealed to the Regional Commission which upheld the actions of the Yarmouth Committee. Almost immediately after the Commission's decision, a new application was filed showing new window treatments. He completely read the minutes of the meetings

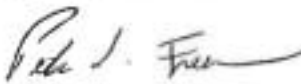
at which the project was considered and stated that many of the concerns of the abutters were beyond the scope of the Committee's authority. He stated that there had been no input from any of the abutters regarding the buildings other than they wanted the area to be left vacant. He said the Committee did vote to issue Certificates of Appropriateness and that he did not feel that the Committee acted in an arbitrary, capricious or erroneous manner in approving the issuance of the Certificates of Appropriateness.

Attorney Samuel DeSimone addressed the Commission on behalf of DeSimone Custom Builders, Inc.. He stated that the master plan that had been shown was meant to show what could be built on the property and that only two buildings had actually been approved for construction. He went on to say that one or the other of the buildings had been under consideration by the Yarmouth Committee since last October and that this was evidence that the Committee had given the matter much consideration and that the Committee had not acted with poor judgment.

After very lengthy discussion, the Commission made the following determination on Appeal #89-1:

1. That the Yarmouth Committee did not act in an arbitrary, capricious and erroneous manner in approving the Applicants' Certificates of Appropriateness. 4-0-1
2. That the appeal be denied. 4-0-1

Any person aggrieved by these decisions 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 L. Freeman  
Chairman

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TOWN CLERK & TREASURER  
JK