

**KIMBERLY & RICHARD LYNCH**

**v.**

**Decision #2000-04**

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

On Tuesday, April 4, 2000 the Commission held a hearing on Appeal #2000-04 filed by Kimberly & Richard Lynch, seeking review of a decision by the Brewster Historic District Committee denying a Certificate of Appropriateness for alterations to a building located at 63 Ridgewood Drive, Brewster, Massachusetts.

Present were Edward Molans, Barnstable; Paul White, Sandwich; Paul San Clemente, Dennis; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Robert G. Brown, Commission Counsel; Kate Mitchell, Attorney for the Appellants; and Richard & Kimberly Lynch, Appellants.

The Committee's decision was filed with the Town Clerk on February 22, 2000. The appeal was entered with the Commission on March 3, 2000, within the 10 day appeal period.

As the appeal arose from the Chairman's town--and in the absence of the Vice-Chairman--the Commission elected Deborah Gray as Chairman Pro Tem.

**THE APPELLANT'S PRESENTATION:**

Kate Mitchell, Attorney for the Appellants addressed the Commission in favor of the appeal. She recounted the long procedural history of the project (construction of the Lynch's home) through several meetings with the Brewster Committee. At various times minor modifications were sought by and approved for the Appellants. At a recent inspection, the Brewster building inspector cited several deviations from the approved plans. Specifically, they would request that the finish trim on the back of the house be eliminated. The rear of the house is not visible from a way or public place. There was no intention to avoid the Historic District guidelines and the previous builder should have known about them.

**THE COMMITTEE'S PRESENTATION:**

Roy Robinson, representing the Brewster Committee, addressed the Commission in opposition to the appeal. He reviewed the legal criteria for an appeal and said the appeal was invalid in that the Town Clerk had not been notified of the appeal. He said the Brewster Committee still wished to have the finish trim on the rear of the house and that any hardship had been caused by the Appellants.

**DISCUSSION:**

In discussion among Commission members there was a unanimous consensus that the filing was defective. However, Commission members felt the Brewster Committee should, on any potential reapplication, allow the east wing to remain as it is presently and to be open-minded with regard to the remainder of the project.

**FINDINGS:**

The Commission voted as follows:

1. That the Brewster Committee was not arbitrary, capricious or erroneous in denying the Applicant's Request for a Certificate of Appropriateness 4-0-1.
2. That the Applicant's filing was defective in that notice was not given to the Brewster Town Clerk as called for in the Commission's Rules and Regulations. 4-0-1.
3. That the appeal be denied. 4-0-1

**DETERMINATION:**

As to Appeal #2000-04, the appeal is denied.

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.

Deborah Gray  
Chairman Pro Tem