

**OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT
COMMISSION**

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Gerard McEleney, Appellant/Applicant

V.

Decision #2003-11

**Old King's Highway Regional Historic
District Committee For the Town of
Brewster**

On Tuesday, November 4, 2003 at 7:45 P.M., the Commission held a hearing at the Station Community Room, 340 Route 6A, Yarmouth Port, Massachusetts, on Appeal #2003-11 filed by Gerard McEleney seeking reversal of a decision by the Brewster Historic District Committee denying a Certificate of Appropriateness for a 16' X 40' addition and the addition of a second floor to residence located at 40 Roberts Road, Brewster, Massachusetts.

Present were Jonathan Shaw, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Peter Lomenzo, Dennis; James R. Wilson, Commission Counsel; Gerard McEleney, the appellant/applicant.

The Committee's decision was filed with the Town Clerk on October 14, 2003. The appeal was entered with the Commission on October 20, 2003, within the 10-day appeal period.

The Appellant's Presentation:

Gerard McEleney addressed the Commission on behalf of his appeal and requested that the determination of the Town Committee be reversed and that the Commission issue Certificate of Appropriateness for the proposed addition to his house. He presented a folder with pictures of other dwellings in the area, a facsimile and four (4) elevations of the proposed dwelling. He stated that the proposed addition meets all zoning and building requirements for size, set back and height. He indicated that he had read the guidelines for the District and that he believed that the design had properly incorporated the recommended features into the proposed addition.

The Town Committee's Presentation:

Roy Robinson addressed the Commission on behalf of the Brewster Town Committee. He stated that all members of the Brewster Committee visited the location of the proposed addition and identified the area as "beach cottage" neighborhood. He indicated that the Committee denied the application because the appearance of the dramatic increase in size would not be compatible with the exiting "beach cottage" character of the

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neighborhood. He described the planned addition as resulting in a large scaled change in appearance for the existing dwelling. He indicated that the existing dwelling appeared small and in harmony with the "beach cottage" character of the neighborhood. The proposed change would take a one story 24' X 32" dwelling and increase it to a two story 40' X 40' dwelling with a massive appearance. Mr. Robinson stated that the Committee was not opposed to increasing the size of the house, but that the particular design proposed by the applicant was too massive in appearance for the site.

Discussion:

The members of the Commission reviewed the plans and photographs submitted by the applicant. Many of the Commissioners indicated that they had visited the neighborhood.

Jonathan Shaw stated that he had visited the site and observed that that most of the houses on Roberts Road were small and reflected the "beach cottage" character identified by the Brewster Committee. That the proposed design that appears on the applicant's plans does appear to be too large and inappropriate in the context of its setting. He indicated that all but one of the houses identified by the applicant that supported his large design were located on another street and were not clearly visible from Roberts Road.

Peter Lomenzo noted that the Committee visited the site and conducted two meetings to review the applicant's plans. It appears that the Committee addressed the issue of mass and size in a proper manner. He indicated that he could not see any reason to reverse the Committee's determination.

Deborah Gray stated that she felt that the Committee used due diligence in its review of the application. She felt that the Committee had not been arbitrary, capricious, or erroneous in their action. She expressed the opinion that she could not fault the Brewster Committee for their decision to deny the application.

The Commission found as follows:

That the proposed design has a large massive appearance that is not in harmony with the "beach cottage" character of its proposed setting.

That the design and style of the proposed addition would create a significant visual and/or aesthetic incongruity for the neighborhood.

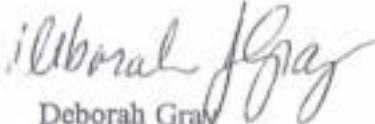
That the Committee was not arbitrary, capricious or erroneous in its action of denying a Certificate of Appropriateness for the design of the proposed addition.

That the Committee did not exceed its authority in denying a Certificate of Appropriateness for the proposed addition.

Determination:

As to Appeal #2003-11, the appeal is denied and decision of the Brewster Committee is affirmed (3-0-1) in accordance with the findings set forth above.

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
Acting Chairperson