

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

P.O. Box 140, Barnstable, Massachusetts 02630-0140  
Tel: 508-775-1766 FAX 508-775-9248

**King's Landing Company, Appellant**

V.

**Decision #2004-2**

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

On Tuesday, May 4, 2004 at 7:45 P.M., the Commission held a hearing at the Fire Station Community Room, 340 Route 6A, Yarmouth Port, Massachusetts, on Appeal #2004-2 filed by the King's Landing Company seeking reversal of a decision by the Brewster Historic District Committee denying a Certificate of Appropriateness for the application of vinyl siding to an existing housing apartment complex located at 1200 State Street, Brewster, Massachusetts.

Present were Jeffery Wilson, Barnstable; Robert DeRoeck, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Peter Lomenzo, Dennis; James R. Wilson, Commission Counsel; John P. McCormick, Attorney for the Applicant/Appellant; and Samuel Marino, Manager for the Applicant.

The Committee's decision was filed with the Town Clerk on March 17, 2004. The appeal was entered with the Commission on March 25, 2004, within the 10-day appeal period.

**The Appellant's Presentation:**

Attorney John P. McCormick addressed the Commission on behalf of King's Landing Company and stated that the Committee acted improperly by refusing to grant the requested Certificate of Appropriateness.

He claimed that, before the applicant had chance to present the request, a member of the local committee stated that he had never approved vinyl siding and that he was not about to start with this application. He indicated that the application had been denied without a full and impartial hearing on the merits.

Additionally he offered photographs and maps of the area that indicated that the bulk of the fourteen (14) acre complex was located out side of the Historic District and not visible from within the District.

He also argued that because the complex lacked historical significance and was being used for affordable housing that the application ought to have been approved either as an exempt activity or under the hardship exception.

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BREWSTER TOWN CLERK

### **The Town Committee's Presentation:**

Roy Robinson addressed the Commission on behalf of the Brewster Town Committee. He stated that the town committee had approved vinyl siding and that while it was possible that a member had made such a comment that it did not reflect the majority of the Committee.

He indicated that if the Commission wished to annul and remand the matter back to the Town Committee for further review a reasonable compromise could be accomplished.

### **Discussion:**

Robert DeRoeck expressed the opinion that there is no difference in appearance between vinyl siding and wooden shingles and suggested that he would favor a reversal and issuance of the Certificate of Appropriateness without a remand.

Deborah Gray stated that while she favored annulling the decision because of the prejudice expressed at the hearing, That a remand to allow the town committee to work with applicant to define a proper compromise that would protect the wooden shingled appearance of the front of some of the buildings but allow vinyl on the backs and sides that are not as visible.

Jeffery Wilson indicated that he felt that the affordable housing use of the complex would qualify the buildings for a hardship exception and hoped that the Committee would consider that issue in acting upon the remand.

Peter Lomenzo stated that he favored granting a remand so that the Committee would have an opportunity issue a proper Certificate of Appropriateness to the Applicant.

### **Findings:**

The Commission found as follows:

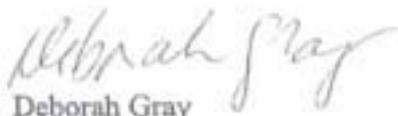
That the Committee was in error in not allowing the applicant to fully present the application on the issues of visibility and hardship.

That a compromise whereby a reasonable mixture of wood and vinyl siding to control costs and expense to the Applicant would be a more suitable determination.

### **Determination:**

As to Appeal #2004-2, the decision of the Brewster Committee is annulled and the matter remanded to the Brewster Town Committee for a full and proper hearing in accordance with the above stated findings.

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  
Vice Chairperson