

Old King's Highway Regional Historic District Commission
 First District Courthouse, Barnstable, Mass. 02630 Telephone: 617-362-4092

COMMONWEALTH OF MASSACHUSETTS

Barnstable:ss

Appeal #79-1

Mr. & Mrs. William H. Kerlin, Sr.)
 Appellants

vs.

Old King's Highway Regional
 Historic District Committee
 for the Town of Brewster
 Appellee

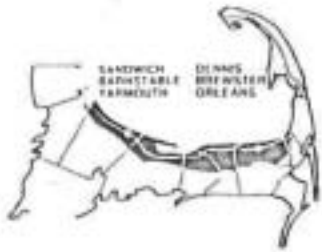
DECISION ON APPEAL
 TO ABOVE COMMISSION

A hearing was held at the Cape Cod Planning and Economic Development Commission conference room on March 6, 1979, at 2:00 P. M., by the above Commission upon an appeal from a decision of the Town of Brewster Historic District Committee denying a Certificate of Appropriateness for the relocation of a two car garage on the Appellants' property located at Lot #7, Crocker Lane, Brewster, Massachusetts, within the Old King's Highway Regional Historic District. Present were Commission Chairman, Elliott MacSwan of Barnstable, Mr. Bonner of Brewster, Mr. Plugge of Yarmouth, Mr. Marsh of Dennis, and Mr. Bridges of Sandwich; Peter L. O'Keefe, attorney for the appellants; Henry Goldman, attorney for Mr. & Mrs. Harris Ivers, abutters; and James R. Wilson, counsel for the Commission.

The Appellants applied to the Brewster Town Committee for their Certificate of Appropriateness (see attached Exhibit #1) on January 26, 1979, and a duly advertised public hearing was held by the Committee on February 12, 1979. The Brewster Committee voted to deny the application and filed notice of its denial with the Brewster Town Clerk on February 12, 1979. The Appellants filed an appeal with the Commission on February 22, 1979.

Prior to the Commission hearing, Mr. MacSwan, Mr. Plugge, Mr. Bonner, and Mr. Bridges viewed the site and Mr. MacSwan made the following oral report to the Commission on his observations:

He reported that a new contemporary dwelling was under



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construction on the lot. He described the water front lot as being located in an attractive, residential neighborhood. There appeared to be no historically significant features in the area. All the homes in the neighborhood appeared to be of recent construction. He stated that there was a large amount of scrub pine, beach plums and other natural growth on the lot but that the garage could be seen from Crocker Lane.

(Photographs of the site were shown to the Commission members).

Copies of the appeal petition, minutes of the Brewster Committee hearing, plans of the garage and its proposed location on the lot were distributed to the membership.

After hearing testimony and arguments by all interested parties, the Commission made the following findings:

1. That the previously approved style, design, material and texture of the proposed garage is not incongruous with the architectural features of the area.
2. That the alteration of the location of the proposed garage by moving it approximately 60 feet to the South is insignificant to the interests of the Act.
3. That the Town Committee erred in denying the Appellants their Certificate of Appropriateness.

ORDER OF THE COMMISSION

The decision of the Brewster Town Committee is hereby annulled and a Certificate of Appropriateness shall issue to the Appellants allowing them to locate their proposed garage in accordance with the attached plot plan.

Any person aggrieved by this decision has a right to appeal within twenty (20) days, to the Second District Court of Barnstable, located in Orleans, Massachusetts.

Elliott B. MacSwan
Elliott MacSwan, Chairman

Date:



Application to

Old King's Highway Regional Historic District Committee

in the Town of Brewster for a

CERTIFICATE OF APPROPRIATENESS

Application is hereby made, in triplicate, for the issuance of a Certificate of Appropriateness under Section 6 of Chapter 470, Acts and Resolves of Massachusetts, 1973, for proposed work as described below and on plans, drawings or photographs accompanying this application for:

CHECK CATEGORIES THAT APPLY:

- 1. Exterior Building Construction: New Building Addition Alteration
 Indicate type of building: House Garage Commercial Other _____
- 2. Exterior Painting:
- 3. Signs or Billboards: New sign Existing sign Repainting existing sign
- 4. Structure: Fence Wall Flagpole Other _____
(Please read other side for explanation and requirements).

TYPE OR PRINT LEGIBLY

DATE 26 Jan. 1979

ADDRESS OF PROPOSED WORK Crocker Lane ASSESSORS MAP NO. 5

OWNER Mr. and Mrs. William H. Kerlin, Sr. ASSESSORS LOT NO. 206

HOME ADDRESS 109 S. Pennsylvania Ave., Centre Hall, PA 16828 TEL NO. 814-364-1693

FULL NAMES AND ADDRESSES OF ABUTTING OWNERS. Include name of adjacent property owners across any public street or way. (Attach additional sheet if necessary).

See attached sheet

AGENT OR CONTRACTOR Win Cobb TEL NO. 385-9057

ADDRESS P.O. Box 777, E. Dennis, Ma. 02641

DETAILED DESCRIPTION OF PROPOSED WORK: Give all particulars of work to be done (see No. 8, other side), including materials to be used, if specifications do not accompany plans. In the case of signs, give locations of existing signs and proposed locations of new signs. (Attach additional sheet, if necessary).

Relocated garage as per amended approval 11/20/78.
See attached for specifications.

Signed _____
Contractor WIN COBB

Space below line for Committee use.

Received by H.D.C. _____

Date _____ The Certificate is hereby _____ Date _____

Time _____

By _____

