

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

LEWIS S. GORDON
Appellant

VS

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

No. 79-5

DECISION ON APPEAL TO
THE ABOVE COMMISSION

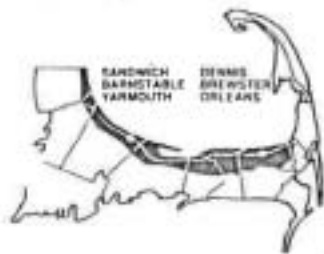


A hearing was held on December 4, 1979, by the above Commission on an appeal by the above appellant from a decision of the Brewster Committee denying a Certificate of Appropriateness for the use of Weyerhaeuser hardboard lap siding, on a proposed new dwelling to be located on Lot 47, Sturbridge Way, Brewster, Mass.

Present were: Mr. MacSwan, Barnstable, Ms. Peros, Yarmouth, Mr. Ivers, Brewster, Mr. Sutton, Sandwich, Mr. Marsh, Dennis, Mr. Wilson, attorney for the Commission and Michael J. Hayes, Attorney for the appellant.

The Committee's decision was rendered on October 22, 1979, and filed with the Town Clerk on October 24, 1979. The appeal petition was filed with the Commission on October 29, 1979 and an appeal hearing was held on November 27, 1979, at which a quorum failed to appear and was continued until December 4, 1979, with the written consent of the appellant in accordance with Article III § 11 of the Rules and Regulations.

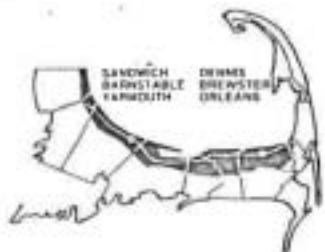
Samples of the siding and substantial amounts of written material prepared by Weyerhaeuser, were submitted to the Commission for review. Mr. MacSwan, Ms. Peros and Mr.



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

Marsh all reported that they had visited the site and examined various houses in the area which had both wood and synthetic siding. The subdivision in which the proposed siding is to be used was described as a relatively new development and it was explained that those houses which presently had the synthetic siding had not been approved by the Brewster Committee. The appellant reported to the Commission that the synthetic product could not be distinguished from wood clapboard as seen from the street; that it carried a 5 year warranty and was \$300 to \$500 less expensive to install. He further indicated that the product was approved by the State Building Code. Members of the Commission acknowledged that it was very difficult to distinguish the appearance of the synthetic siding from that of wood.

The Brewster Committee stated that while their Committee has allowed aluminium and other types of synthetic siding, it was their opinion that this particular hardboard could be distinguished as seen from the road and that as a new product had not been shown by the applicant to have proven durability as a siding material. They felt that the

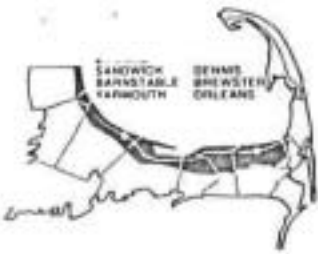


Old King's Highway Regional Historic District Commission
First District Courthouse, Barnstable, Mass. 02630 Telephone: 617-362-4092

5 year warranty on the product was insufficient to protect the District should the siding deteriorate once installed. They indicated that it is the policy of the Brewster Committee to require wood clapboard and not to allow this type of siding on any buildings within the District. The Committee further stated that the applicant had, at various times, indicated that he would use wood siding on the houses to be constructed in the area.

It was the opinion of members of the Commission that in view of the evidence before it for review, that the Town Committee did not exceed its authority in denying the applicant's request to use the synthetic siding on the proposed dwelling; that while the proposed synthetic siding may be less expensive and similar in appearance to wood clapboard, it is reasonable for the Town Committee to have determined that the hardboard would be less durable and may, in the passage of time, have a detrimental impact upon the appearance of the neighborhood; that while the evidence before the Commission tended to indicate that the synthetic siding when newly installed has a favorable appearance, the evidence before the Commission did not sufficiently establish that the appearance would be sufficiently maintained. A further factor to note is that the applicant claims no hardship that would warrant a reconsideration of the denial of the requested certificate.

THEREFORE: the following motion made by Mr. Sutton



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

and seconded by Ms. Peros was

VOTED 3-1-1 (Brewster abstaining)

MOVED: That the Commission affirm the Brewster Committee's denial of a Certificate of Appropriateness for the use of Weyerhaeuser X-90 hardboard lap siding on a new dwelling to be constructed on Lot 47, Sturbridge Way, Brewster, Mass.

The appellant is advised that he may appeal to the Second District Court of Barnstable in Orleans, Mass., within 20 days of the filing of this decision with the Brewster Town Clerk

Respectfully submitted

Elliott B. MacSwan
Elliott B. MacSwan