

EVERETT W. BOY, JR./REEF REALTY LTD.

v.

Decision #96-3

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

On Tuesday, July 30, 1996 the Commission held a hearing on Appeal #96-3 filed by Everett W. Boy, Jr./Reef Realty Ltd., seeking review of a decision by the Brewster Historic District Committee which had denied a Certificate of Appropriateness for the construction of a building to be located at Lot 20, Brier Lane, Brewster, Massachusetts.

Present were Peter Freeman, Barnstable; Roy Robinson, Brewster; Marian Reilly, Sandwich; Chick Craig, Dennis; Robert Miller, Yarmouth; Robert G. Brown, Commission Counsel; Everett W. Boy, Jr., Appellant, and several interested members of the public.

The Committee's decision was filed with the Town Clerk on June 17, 1996. The appeal was entered with the Commission on June 20, 1996 within the 10 day appeal period.

In the absence of the Chairman, the Vice-Chairman presided over the hearing.

**THE APPELLANT'S PRESENTATION:**

Everett W. Boy, Jr., Appellant, addressed the Commission in favor of the appeal. He displayed a rendering of the proposed construction, a certified plot plan and a septic system plan. He also displayed pictures of other homes in the area that are comparable to the home he intends to build. He said that the Committee objected to the homes as being too large and imposing. He said that he had to give up a lot on this project to the conditions of the general area and the suggestion of the Committee that he reduce the basement to a crawlspace would be a major loss that could not be afforded. He said he is willing to compromise and discussed several alternatives.

**THE COMMITTEE'S PRESENTATION:**

Roy Robinson, representing the Brewster Committee, addressed the Commission to explain the Brewster Committee's reasons for denial. He said that he agreed with most of what the Appellant had stated. He said that the lot is marginally buildable and that the Committee did recognize that the Appellant was in a difficult situation with regard to placing a septic system on the property. He said that all of the abutters and the Committee are concerned about the proposed design being used on a house this small and said that the vote to deny the Certificate of Appropriateness was based on the Committee's feeling that the non-traditional size and design were inappropriate to the area. He said that the lot in question can support a house, however, it should be a house that does not overwhelm the lot, as this house does.

**DISCUSSION:**

In discussion among Commission members it was felt that there was a definite hardship situation presented as the Appellant was, due to environmental considerations, locked into this particular site on the lot in which to build. Further, members of the Commission felt that it was possible to make various changes in the design to make it compatible.

**FINDINGS:**

The Commission made the following Findings of Fact:

1. That the Brewster Committee used poor judgment in denying the Appellant's application for a Certificate of Appropriateness. 4-0-1.
2. That the Appeal be allowed and a Superceding Certificate of Appropriateness issue subject to the installation of double hung windows on the left elevation with one double hung window on the right and two double hung windows below. The landscaping should be of non-deciduous trees. 4-0-1.

**DETERMINATION:**

Based on the above findings, the appeal is allowed, subject to the above conditions.

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.

Peter L. Freeman  
Vice-Chairman