

JANE THOMAS

v.

Decision #97-19

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

On Tuesday, December 2, 1997 the Commission held a hearing on Appeal #97-19 filed by Jane Thomas, seeking review of a decision by the Yarmouth Historic District Committee denying a Certificate of Appropriateness for alterations to a building located at 299 Mayfair Road, Yarmouthport, Massachusetts.

Present were Marian Reilly, Sandwich; Robert Miller, Yarmouth; Paul San Clemente, Dennis; Roy Robinson, Brewster; Robert G. Brown, Commission Counsel; Jane Thomas, Appellant and several interested members of the public.

The Committee's decision was filed with the Town Clerk on November 6, 1997. The appeal was entered with the Commission on November 12, 1997 within the 10 day appeal period.

Due to the absence of the Chairman and the fact the appeal arose from the Vice-Chairman's Committee, the Commission elected Roy Robinson Chairman Pro Tem to preside over the hearing.

THE APPELLANT'S PRESENTATION:

Jane Thomas, Appellant, addressed the Commission in favor of the appeal. She said the first application for this house had been approved and that she now wanted the window presently in the house. She said it would cost approximately \$4,000.00 to remove this window and replace it with the window that had been approved. She asked that the appeal be allowed.

THE COMMITTEE'S PRESENTATION:

Robert Miller, representing the Yarmouth Committee, addressed the Commission to explain the Committee's reasons for denial. He said the appeal should be denied. He said the appeal concerns a new house at the end of a long driveway. The view from Mayfair Road is limited,

however, the property is visible from Follins Pond. The application was first heard on April 23, 1997 and was tabled until May 7, 1997. The drawings presented by the Appellant were marginal and the meeting itself was contentious, however, the application was approved as amended. The Committee felt that changes were necessary to break up the rather monotonous design of the house. The subsequent application was heard on November 5, 1997. Most of the changes requested had already been constructed, with the Appellant having changed the siding to vinyl and also changing the front door assembly. The window in question looks as if it were added as an afterthought. The fence requested by the Appellant is not included in the application for the Certificate of Appropriateness.

DISCUSSION:

In general discussion, David Moeller, a member of the Yarmouth Committee, addressed the Commission in opposition to the appeal. He said the vinyl siding had not been professionally installed and was very reluctantly approved by the Committee. The window itself should not be approved.

In discussion among members of the Commission, there was a consensus that the Committee had sustainable reasons for its actions and should not be reversed in this instance.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the Yarmouth Committee did not act in an arbitrary, capricious or erroneous manner in denying the Appellant's request for a Certificate of Appropriateness, nor did the Yarmouth Committee use poor judgment in denying the Appellant's application for a Certificate of Appropriateness. 3-0-1.
2. That the appeal be denied. 3-0-1.

DETERMINATION:

Based on the above findings, the appeal is denied.

Any person aggrieved by this decision has a right to appeal to the District Court Department, Barnstable Division, within 20 days of the filing of this decision with the Yarmouth Town Clerk.

Roy Robinson
Chairman Pro Tem