

WALTER DAWLEY

v.

Decision #98-26

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

On Tuesday, January 12, 1999, the Commission held a hearing on Appeal #98-26 filed by Walter Dawley, seeking review of a decision by the Yarmouth Historic District Committee denying a Certificate of Appropriateness for alterations to a building located at 122 Greenland Circle, Yarmouthport, Massachusetts.

Present were Edward Molans, Barnstable; Elizabeth Wilcox, Dennis; Roy Robinson, Brewster; Marian Reilly, Sandwich; Deborah Gray, Yarmouth; Robert G. Brown, Commission Counsel; and Walter Dawley, Appellant.

The Committee's decision was filed with the Town Clerk on December 10, 1998. The appeal was entered with the Commission on December 16, 1998 within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Walter Dawley, Appellant, addressed the Commission in favor of the appeal. He said the plans for the house were approved except for the use of J Channels with regard to the vinyl siding. He said he had built many homes in the area with vinyl siding and they all had J channels. He said they are needed for drainage and displayed photos of properties with vinyl siding.

THE COMMITTEE'S PRESENTATION:

Deborah Gray, representing the Yarmouth Committee, explained the Yarmouth Committee's reasons for the denial. She reiterated the procedural history of the application and said the application was treated the same as other who have requested vinyl siding. When vinyl siding is allowed, it is conditioned on no J channels being used. The Yarmouth Committee has been consistent with this practice for the past several years.

DISCUSSION:

In discussion among Commission members, there was a general consensus that reasonable alternatives were available to the Appellant and the Yarmouth Committee did not act in an arbitrary, capricious or erroneous manner.

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 Certificate of Appropriateness. 4-0-1.
2. That the appeal is denied. 4-0-1

DETERMINATION:

As to Appeal #98-26, 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.

Marian Reilly
Chair