

FEDERAL FINANCIAL COMPANY

v.

Decision #99-19

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

On Tuesday, November 9, 1999 the Commission held a hearing on Appeal #99-19 filed by Federal Financial Company, seeking review of a decision by the Yarmouth Historic District Committee denying a Certificate of Appropriateness for construction of a new building to be located at 230 North Dennis Road, Yarmouthport, Massachusetts.

Present were Edward Molans, Barnstable; Paul White, Sandwich; Elizabeth Wilcox, Dennis; Deborah Gray, Yarmouth; Roy Robinson, Brewster; William Quinn, Orleans; Robert G. Brown, Commission Counsel; and Patricia McGauley and Paul Kerrigan, Agents for the Appellant.

The Committee's decision was filed with the Town Clerk on October 21, 1999. The appeal was entered with the Commission on October 28 1999, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Patricia McGauley, Attorney for the Appellant, addressed the Commission in favor of the Appeal. She described the proposed house a traditional three bedroom garrison colonial with a hip roof. The northwest corner of the house is angled and this is the result of litigation and negotiations between the Board of Health and the Conservation Commission. The appellant felt the denial by the board was based on the belief that some other design could be done. In fact, nothing can be done and the disapproval of this application will be a great hardship for the appellant.

THE COMMITTEE'S PRESENTATION:

Deborah Gray, representing the Yarmouth Committee, explained the Yarmouth Committee's reasons for denial. She said the house is highly visible from North Dennis Road. The lot is difficult to work with but the Committee was simply not in favor of this architectural style as the maintenance of this setting is very important. She asked that the appeal be denied.

DISCUSSION:

In general discussion, David Moeller, a member of the Yarmouth Committee, addressed the Commission in opposition to the appeal. He said the Board acted correctly and was not arbitrary in its decision. The design of the appellant is not compatible with the type of design to be used in an historic district.

In discussion among Commission members there was a consensus that the Yarmouth Committee had expressed a reasonable basis for its decision and should be upheld.

FINDINGS:

The Commission voted as follows:

1. That the Yarmouth Committee did not act in an arbitrary, capricious or erroneous manner in denying the Appellant's application for a Certificate of Appropriateness. 5-0-1.
2. That the appeal be denied.

DETERMINATION:

As to Appeal #99-19, 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.

William Quinn
Chair