

Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

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RICHARD P. BRENNER and
MAUREEN B. BRENNER

v.

Decision #88-20

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

On Tuesday, June 28, 1988 the Commission held a hearing on Appeal #88-20 filed by Richard P. Brenner and Maureen B. Brenner seeking review of a decision by the Yarmouth Historic District Committee which had denied a Certificate of Appropriateness for new house and garage to be located at 60 Bray Farm Road, Yarmouthport, Mass.

Present were Ronald Lindholm, Dennis; Michael Shay, Brewster; Christopher Miner, Orleans; Peter Freeman, Barnstable; Milton Smith, Yarmouth; Allen Abrahamson, Sandwich; Robert G. Brown, Commission Counsel; and Richard and Maureen Brenner, Applicants.

The Committee's decision had been filed with the Town Clerk on June 3, 1988, and the appeal entered with the Commission on June 3, 1988.

Richard P. Brenner addressed the Commission and displayed a plan of the house as well as a plot plan of the lot on which the house is to be located. He stated that the house is conventional in design and is compatible with the rest of the neighborhood. He proceeded to show many pictures of homes in the immediate area which he claimed substantiated his position.

Maureen B. Brenner addressed the Commission and stated that all of the features in their house could be found in other houses in the neighborhood, that it was a fairly new neighborhood with no older homes. She said the Committee did not assist them as she felt they should have.

Milton Smith, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for denial. He presented pictures of the area and stated that the Committee felt that the house in question was a "collection" of architecture. He stated that the Committee felt that, after looking at different types of homes in the area, that the large gables and casement windows did not fit with other homes in the area. He stated that the idea was to be compatible with the immediate area, not with what is on Route 6A.

Seth Martin addressed the Commission in support of the Applicants. He stated that the area is newly developed and is not historic in nature.

Joanne Creel addressed the Commission in support of the Applicants. She stated that she had no problem with the compatibility, design or architecture of the structure.

Robin Giangregorio addressed the Commission in support of the Applicants. She stated that the house would add to the value of the neighborhood.

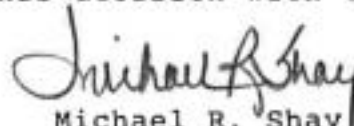
Peter Butt of the Yarmouth Historic District Committee addressed the Commission in support of the Yarmouth Committee. He said that he felt that the house would not be compatible with others in the neighborhood.

Harold Ellis of the Yarmouth Historic District Committee addressed the Commission in support of the Yarmouth Committee. He said that while he did not find the house unattractive or poorly designed, he felt that it would not be compatible with the neighborhood.

After discussion the Commission made the following determination.

1. That the Yarmouth Historic District Committee's justification for its denial was so vague as to constitute an error in judgment.
2. That the appeal be allowed and a superceding order enter for the issuance of a Certificate of Appropriateness according to plans on file with the Commission. 4-1-1

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.


Michael R. Shay
Chairman

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TOWN CLERK & TREASURER