



Old King's Highway Regional Historic District Commission

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CHARLES & DOREEN BILEZEKIAN

v.

Decision #88-26

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

On Friday, September 30, 1988 the Commission held a hearing on Appeal #88-26 filed by Charles & Doreen Bilezekian seeking review of a decision by the Yarmouth Historic District Committee which had denied a Certificate of Appropriateness for the construction of a 5 foot stone wall to be located at Mill Lane, Yarmouthport, Massachusetts. The hearing had been continued from its original date of September 27.

Present were Ronald Lindholm, Dennis; Michael Shay, Brewster; Christopher Miner, Orleans; Robert DiMartile, Yarmouth; Allen Abrahamson, Sandwich; Robert G. Brown, Commission Counsel; Thomas Kelley, Surveyor and Engineer for the Applicants; and Doreen Bilezekian, Applicant.

The Committee's decision had been filed with the Town Clerk on August 24, 1988, and the appeal entered with the Commission on September 2, 1988.

Thomas Kelley addressed the Commission on behalf of the Applicants. He thanked the Commission for gathering on a Friday afternoon to hold the hearing. He stated that the Applicants felt the decision of the Yarmouth Committee was arbitrary and capricious in that: 1. stonewalls are common throughout the entire district; 2. the stone wall requested is compatible with other stone walls already approved on the site; 3. only 28 inches of the wall will be visible above grade; and 4. there is quite a distance between the public way and the grade. He made reference to plans previously filed with the Commission and explained the plans, and the landscaping, including various proposed plantings, and explained the existence of the temporary road which is being used in the construction of the Applicants' home.

Robert DiMartile, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for denial. He distributed minutes of the meetings attended by the Applicants. He stated that the wall was originally proposed for six feet and was later reduced to five feet. He displayed pictures of other stone walls in the area and pointed out that the walls on the perimeter of the

property are between forty and forty-two inches in height. With regard to the grounds stated in the appeal. He stated that he did not feel that the Committee was arbitrary or capricious in that the Committee took a great deal of time over two meetings with this application, the committee viewed the site and did not act impulsively or with poor judgment.

Willard Sheppard addressed the Commission to speak against the appeal. He stated that he is an alternate member of the Yarmouth Committee who sat as a voting member on this application. He supported the actions of the Committee and cited the 1983 Commission bulletin as well as other sources regarding stone walls.

Peter Butt addressed the Commission in favor of the appeal. He stated that he is a member of the Yarmouth Committee who voted in favor of the application. He stated that the shrubbery and plantings referred to by Mr. Kelley would be maintained. He stated that not all of the materials presented by Mr. Kelley to the Commission were presented to the Committee, but that the same information was available.

William Hemeon addressed the Commission in favor of the appeal. He stated that he is a resident of Cove Lane in Barnstable and that he will have a clear view of the stone wall to be constructed and that he had no objection to the project as presented.

William Scannell addressed the Commission in favor of the appeal. He stated that he is an abutter to the property and that he has no objection to the project.

Henry Kelley addressed the Commission in favor of the appeal. He stated that he is the younger brother of Thomas Kelley and a friend of the Bilezekians. He recounted his experience as a member of the 1980 review panel of the Commission (commonly referred to as the "Blue-Ribbon Panel") and also cited the case of WHITE AND CARR v. THE OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT COMMISSION where the Court ruled that it was not a requirement that all new construction conform strictly to what had been built in the past. He stated that the project as proposed will have a very minimal visual impact and that the Commission should not encourage such minutiae.