

Old King's Highway Regional Historic District Commission

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PETER J. MULLIN

v.

Decision #88-30

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

On Tuesday, December 13, 1988 the Commission held a hearing on Appeal #88-30 filed by Peter J. Mullin seeking reversal of a decision by the Brewster Historic District Committee which had denied a Certificate of Appropriateness for the construction of a dwelling to be located at 552 Route 6A, West Brewster, Massachusetts.

Present were Michael Shay, Brewster; Christopher Miner Orleans; Milton Smith; Yarmouth; Allen Abrahamson, Sandwich; Robert G. Brown, Commission Counsel; and Peter J. Mullin, Applicant.

The Committee's decision had been filed with the Town Clerk on November 29, 1988, and the appeal entered with the Commission on November 29, 1988.

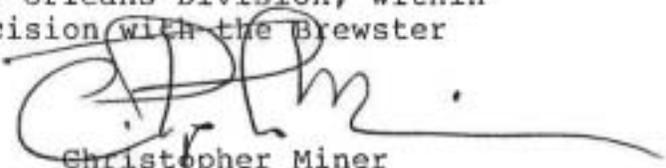
Peter J. Mullin addressed the Commission and stated that the Brewster Committee had the application under review for 39 days. He said the building was a good building and that the Committee was not providing leadership. He presented plans of the area in question and also showed pictures of other homes in the area. Addressing the Committee's reasons for denial, he stated that the building was three stories tall and not three and one-half stories as the Committee had claimed. He said that, in terms of the footprint of the house, it was not a big building and that this style of a house was needed because of his family's personal space requirements and the odd shape of the lot.

Michael Shay, representing the Brewster Committee, addressed the Commission to explain the Brewster Committee's reasons for denial. He said that the Applicant did not notify all of the abutters and had, in fact, notified non-abutters. He stated that the appeal had been timely filed with the Commission but was filed three days late with the Town Clerk, and that the Committee had never been notified. He said that the Committee had problems with the 6A gable end as well as the 45 degree angle of the house. He distributed packages prepared by the Brewster Committee as well as pictures and copies of assessors' maps. He said the Committee had considered hardship to the Applicant but, after conferring with the Conservation Administrator, felt that there were other viable alternatives.

After lengthy discussion the Commission made the following determinations:

1. That the Brewster Historic District Committee did not act in an arbitrary, capricious and erroneous manner in denying the Applicant's Certificate of Appropriateness. 3-0-1
2. That the appeal be denied. 3-0-1

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



Christopher Miner
Chairman Pro Tem