



Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

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ELEANOR BEARDSLEY

v.

Decision #90-14

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

On Tuesday, October 16, 1990 the Commission held a hearing on Appeal #90-14 filed by Eleanor Beardsley seeking reversal of a decision by the Yarmouth Historic District Committee which had denied a Certificate of Appropriateness for an addition to a building located at 110 Lookout Road, Yarmouthport, Massachusetts.

Present were Brendan Joyce, Dennis; Robert DiMartile, Yarmouth; Allen Abrahamson, Sandwich; Christopher Miner, Brewster; Peter Freeman, Barnstable; Robert G. Brown, Commission Counsel; and Richard Brenner, representing the Applicant.

The Committee's decision had been filed with the Town Clerk on September 20, 1990, and the appeal entered with the Commission on September 22, 1990, within the ten day appeal period.

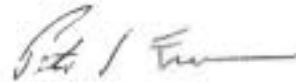
Richard Brenner addressed the Commission and displayed plans of the addition and several photographs. He stated that the addition will be built on the existing deck but will not take up the entire deck. He said the design of the house is conventional for the area and that the proposed addition will be a sunroom. The house is located on a marsh and the idea is to allow sunlight to come in and to allow a view of the marsh. He stated that he did not like the idea that members of the Committee wanted to view the site prior to taking a vote and felt that the Committee should have viewed the site prior to the hearing.

Robert DiMartile, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for denial. He stated that the half-round window was a question with the Committee as well as the issue of visibility from a way or public place. He said the members who voted in favor of the application felt that the addition would not be visible while the members who voted against the application wanted to table the matter in order to take a view, but the Applicant's representative demanded that the Committee take a vote. He said it is not always possible for all Committee members to view a site prior to a hearing and that a viewing of the site might have quickly resolved the issue.

After brief discussion, the Commission made the following determination:

1. That the issue of visibility of the proposed addition from a public way or place was an essential finding which should have been made by the Yarmouth Committee prior to taking a vote. 4-0-1.
2. That the relief requested by the Applicant be denied. 4-0-1.
3. That the matter be remanded to the Yarmouth Committee for a finding by the Yarmouth Committee on the issue of visibility. 4-0-1.

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.



Peter L. Freeman
Chairman

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TOWN CLERK & TREASURER

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