

Old King's Highway Regional Historic District Commission

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RICHARD C. WECKLER

v.

Decision #90-15

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

90 DEC 17 P3:07 JC
TOWN CLERK

On Tuesday, November 20, 1990 the Commission held a hearing on Appeal #90-15 filed by Richard C. Weckler seeking reversal of a decision by the Yarmouth Historic District Committee which had approved a Certificate of Appropriateness for new playground equipment to be located at the intersection of Route 6A, Church Street and Playground Lane, Yarmouthport, Massachusetts.

Present were Brendan Joyce, Dennis; Robert Deemer, Yarmouth; Janet Francis, Brewster; Peter Freeman, Barnstable; Christopher Miner, Orleans; Allen Abrahamson, Sandwich; Robert G. Brown, Commission Counsel; Richard C. Weckler, Appellant and many interested members of the public.

The Committee's decision had been filed with the Town Clerk on October 26, 1990, and the appeal entered with the Commission on October 30, 1990, within the ten day appeal period.

Richard C. Weckler addressed the Commission in favor of the appeal. He stated that approval of this Application would set a dangerous precedent for the District and that there would be an overwhelming visual imbalance if the Committee's decision is upheld. He said that at the time of the hearing the plans had not been reviewed by the Building Inspector and that there was some question as to whether the plans met the Building Code. He stated that the meeting was ill run and that when he tried to put forth these concerns he was told that they were public safety issues that were beyond the purview of the Committee. He objected to the tone of the meeting where it appeared that the Committee had accepted the fact that the playground was to remain and never considered the overall issue of appropriateness. He asked that the decision of the Yarmouth Committee be reversed.

Robert Deemer, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for approval. He distributed pictures and elevations of the proposed project and also distributed a complete transcript of the proceedings before the Yarmouth Committee. He said that each case is decided on its own merits and that the use of plastic in this instance will not set a precedent. He said that the area had been deeded to the Town of Yarmouth in 1928 to be used as a common and playground. It is essential to preserve that part of the heritage

of the Town. He stated that the DPW had established the bounds and determined how much of the greenspace could be used. He pointed to what he described as the Committee's long and arduous deliberations over several meetings as proof that the Committee's decision had not been made in an arbitrary or capricious manner. He asked that the Committee's decision be upheld.

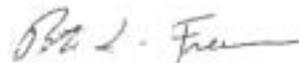
Stephen Pinney addressed the Commission in favor of the appeal. He stated that the Committee's decision was arbitrary in that the entire question of appropriateness had been avoided and stated that the Committee did not address appropriateness as set forth in the Historic District Act, St. 1973, c. 470, as amended.

Barbara Gooddale addressed the Commission in opposition to the appeal and said that the original design was much different from the design that had been approved. That the original design had been changed as a result of discussions with the Yarmouth Committee.

After brief discussion, the Commission made the following determinations:

1. That the Yarmouth Committee did not act in an arbitrary, capricious or erroneous manner in approving the Applicant's application for a Certificate of Appropriateness. 4-0-1.
2. That the appeal be denied. 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