

Old King's Highway Regional Historic District Commission
P.O. Box 279, Hyannis Mass. 02601

Telephone: 617-775-1766

ELEANOR BEARDSLEY

v.

Decision #90-16

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

DEC 17 P3:07

On Tuesday, December 4, 1990 the Commission held a hearing on Appeal #90-16 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; Janet Francis, Brewster; Peter Freeman, Barnstable; Robert G. Brown, Commission Counsel; Richard Brenner, representing the Applicant; and Eleanor Beardsley, Applicant.

The Committee's decision had been filed with the Town Clerk on October 30, 1990, and the appeal entered with the Commission on November 9, 1990, within the ten day appeal period.

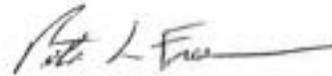
Richard Brenner addressed the Commission and displayed plans of the addition and several photographs. He questioned the Yarmouth Committee's decisions regarding visibility and the Committee's denials regarding the use of a half-round window and the use of grilles in the windows. He pointed out that the window at present does not have grilles and that the addition will maintain that style. He also displayed photographs of several other properties in the Yarmouthport area which have half-round windows.

Robert DiMartile, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for denial. He displayed photographs of the building which were submitted with the application and recounted the procedural history of the case, both before the Committee and the Commission. He pointed out that, on remand from the Commission, two members of the Committee who had originally voted in favor of the application reversed their votes after having visited the site. He stated that grilles should be required so as to make the window compatible with the rest of the house. He said that an offer had been made by the Yarmouth Committee to consider other design elements but that the offer was rejected.

After lengthy discussion, the Commission made the following determinations:

1. That the Yarmouth Committee did not act in an arbitrary, capricious or erroneous manner when it determined that the proposed addition would be visible from a public way or place. 3-0-1.
2. That the Yarmouth Committee did not act in an arbitrary, capricious or erroneous manner in denying the Applicant's Certificate of Appropriateness as regards the inclusion of a half-round or semi-circle window. 3-0-1.
3. That the relief requested by the Applicant be denied as to the first two determinations. 3-0-1.
4. That the Yarmouth Committee did act in an erroneous manner when it denied the Applicant's Certificate of Appropriateness as regards the exclusion of grilles in the windows of the proposed addition. 3-0-1
5. That the matter be remanded to the Yarmouth Committee for further proceedings consistent with these findings. 3-0-1.

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