

# Old King's Highway Regional Historic District Commission

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ROGER & RUTH BIBACE

v.

MAY 15 10:34  
Decision #90-6

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

TOWN CLERK & TREASURER

On Tuesday, April 10, 1990 the Commission held a hearing on Appeal #90-6 filed by Roger & Ruth Bibace seeking review of a decision by the Yarmouth Historic District Committee which had denied a Certificate of Appropriateness for an alteration to an existing building located at 100B Wharf Lane, Yarmouthport, Massachusetts.

Present were Brendan Joyce, Dennis; Jan Francis, Brewster; Peter Freeman, Barnstable; Robert Deemer, Yarmouth; Christopher Miner, Orleans; Allen Abrahamson, Sandwich; Robert G. Brown, Commission Counsel; Joseph and Fernando Giangregorio, Appellants, and Peter Brown, Architect for the Applicants.

The Committee's decision had been filed with the Town Clerk on March 20, 1990, and the appeal entered with the Commission on March 21, 1990 within the ten day appeal period.

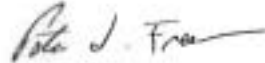
Peter Brown, Architect for the Applicants, addressed the Commission and stated that the house in question was built about 50 years ago and was originally a summer cottage. He stated that there was no possibility of an extension to the house on grade due to the proximity of the house to the marsh. Mr. Brown stated that Cape Cod architecture was such that a house would change as the needs of the family would change. In this case the needs of the family have changed. The bottom of the dormer would not be visible from the street. The Yarmouth Committee acted arbitrarily because they failed to see the special nature of the situation. He said that rules are fine but that in this case they were not proper.

Robert Deemer, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for denial. He stated that the basic question in front of the Committee was whether or not the alteration was a dormer. If it was to be a dormer it should be stepped in so as to signify it as a dormer. If it was not to be a dormer the roof pitch is not proper. From research, there are no comparable construction techniques. There is no cantilevered dormer anywhere in the District. Houses may develop according to a family's needs but they usually have a symmetry to them.

After lengthy discussion the Commission made the following determinations:

1. That the Yarmouth Committee did not act in an arbitrary, capricious or erroneous manner in denying the Applicants' Certificate of Appropriateness. 4-0-2.
2. That the appeal be denied. 4-0-2.

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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