

Old King's Highway Regional Historic District Commission
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PAUL D. McGLYNN

v.

Decision #91-1

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

On Tuesday, May 14, 1991 the Commission held a hearing on Appeal #91-1, filed by Paul D. McGlynn seeking review of a decision by the Yarmouth Historic District Committee which had approved a Certificate of Appropriateness to DeSimone Custom Builders, Inc. for a new house to be located at 28 Bayridge Drive, Yarmouthport, Mass.

Present were Brendan Joyce, Dennis; Willard Sheppard, Yarmouth; Steven Carmel, Sandwich; Peter Freeman, Barnstable; Christopher Miner, Orleans; Robert G. Brown, Commission Counsel; Paul D. McGlynn, Appellant; and David DeSimone, representing DeSimone Custom Builders, Inc., Applicant.

The Committee's decision had been filed with the Town Clerk on April 18, 1991, and the appeal entered with the Commission on April 25, 1991 within the ten day appeal period.

Paul D. McGlynn, Appellant, addressed the Commission in favor of the appeal. He stated that the appeal was based on the fact that there had been a late change in the proposal from clapboard to shingles and the neighbors had not been notified. He recounted the procedural history of the proposed house, which he described as a three bedroom, two bath, saltbox design. He stated that, at the first hearing, there were problems with scaling and a decision on the plan was postponed for two weeks. He stated that, at the next hearing, there were only himself and one other neighbor present and it was at this meeting that the change from clapboard to shingles was disclosed. He also stated that no landscaping plan was filed with the application. He stated that, for the proposed house to be in harmony with others in the area, it should be clapboard rather than shingles.

David DeSimone, representing DeSimone Custom Builders, Inc., Applicant, addressed the Commission in opposition to the appeal. He stated that the change from clapboard to white cedar shingles was a personal preference. He also stated that landscaping plans were only required for commercial applications and were not required for single family residential applications.

Willard Sheppard, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for approval. He stated that the procedural history as stated by the Appellant was correct, except that the decision to approve the change from clapboard to white cedar shingles was made during the meeting itself. He also stated that it was the opinion of the Committee that excessive repetition would be inappropriate for the area.

FINDINGS

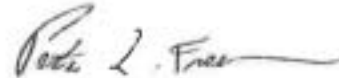
After considerable discussion, the Commission made the following Findings of Fact:

1. That the Yarmouth Committee did not act in an arbitrary or capricious manner in approving the Application for the Certificate of Appropriateness.
2. That the Yarmouth Committee did not act in an erroneous manner in approving the change from clapboard to white cedar shingles.

DETERMINATION

Based on the above findings, the Commission, upon Motion duly made and seconded, voted 4-0-1 to uphold the decision of the Yarmouth Committee and to deny the appeal.

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