

Old King's Highway Regional Historic District Commission  
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STUART K. WOOD and EDITH B. WOOD

v.

Decision #93-11

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

On Tuesday, August 17, 1993 the Commission held a hearing on Appeal #93-11 filed by Stuart K. Wood and Edith B. Wood seeking review of a decision by the Yarmouth Historic District Committee which had denied a Certificate of Exemption for alterations to a building located at 390 Main Street, Yarmouthport, Massachusetts.

Present were Rich Gurney, Dennis; Jan Francis, Brewster; David Moeller, Yarmouth; Peter Freeman, Orleans; Robert G. Brown, Commission Counsel; Stuart K. Wood and Edith B. Wood, Appellants; and several members of the public.

The Committee's decision had been filed with the Town Clerk on July 15, 1993, and the appeal entered with the Commission on July 21, 1993, within the 10 day appeal period.

In the absence of Christopher R. Miner, Chairman, the hearing was chaired by Peter L. Freeman, Vice-Chairman.

THE APPELLANTS' PRESENTATION:

Mr. Stuart K. Wood, Appellant, addressed the Commission in favor of the appeal. He stated that, at a previous appeal concerning his house which was heard by the Commission on June 22, 1993, the Commission had ruled that shingling such as what he was proposing was exempt from regulation under the Act. He stated that he had filed a new application with the Yarmouth Committee to shingle the front of his house in the same manner as the sides of his house and the application was defeated. He displayed pictures of his house and asked that the decision of the Yarmouth Committee be reversed.

THE COMMITTEE'S PRESENTATION:

David Moeller, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for denial. He stated that the Yarmouth Committee realized the Commission was of the opinion that the proposed shingling was exempt from the Act. He read from various portions of the Act and from the Guidelines and Rules and Regulations contained in the December, 1983 Bulletin of the Commission and stated that the Yarmouth Committee was still of the opinion that shingling such as this, which would completely change the character of a house in a prominent area of the historic district, would not be in keeping with the intent and purpose of the Historic District Act.

DISCUSSION:

The Commission briefly discussed the previous appeal regarding this building and again discussed the Rules and Regulation of the Commission and the need to perhaps amend the Rules and Regulations of the Commission. In discussing the present appeal, the Commission again held that the shingling which was being proposed by the Appellant was exempt from review.

FINDINGS:

The Commission made the following Findings of Fact:

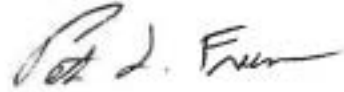
1. That the shingling proposed by the Appellants is exempt from review, pursuant to the Rules and Regulations of the District as promulgated by the Commission; and
2. That the Yarmouth Committee did act in an erroneous manner in denying that the Appellants' application for a Certificate Of Exemption. 3-0-1.

DETERMINATION:

Based on the above findings, the appeal is allowed, the decision of the Yarmouth Committee is declared null and void and a Superceding Certificate of Exemption will issue in accordance with plans now on file with the Yarmouth Committee.

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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  
Vice-Chairman

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