

Old King's Highway Regional Historic District Commission
 P.O. Box 2187, Hyannis, Mass. 02601 Telephone 508-775-5793

YARMOUTH HISTORICAL COMMISSION

RECEIVED

v.

96 MAR -8 12:55
 Decision #95-11

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

TOWN OF YARMOUTH
 TOWN CLERK & TREASURER

On Tuesday, January 16, 1996 the Commission held a hearing on Appeal #95-11 filed by the Yarmouth Historical Commission, seeking review of a decision by the Yarmouth Historic District Committee which had approved a Certificate of Appropriateness to Joly Enterprises, Inc., for alterations to a building located at 143 Main Street, Yarmouthport, Massachusetts.

Present were Christopher R. Miner, Orleans; Peter L. Freeman, Barnstable; Roy Robinson, Brewster; Robert Terrill, Sandwich; Chick Craig, Dennis; Robert Miller, Yarmouth; Robert G. Brown, Commission Counsel; Elizabeth Antonellis of the Yarmouth Historical Commission; Appellant; and David Moeller of the Yarmouth Historic District Committee as well as many interested members of the public.

The Committee's decision was filed with the Town Clerk on December 14, 1995. The appeal was entered with the Commission on December 19, 1995 within the 10 day appeal period.

THE APPELLANTS' PRESENTATION:

Elizabeth Antonellis, representing the Yarmouth Historical Commission, addressed the Commission in favor of the appeal. She distributed copies of the Massachusetts Historical Commission Form "B" pertaining to this property and also distributed copies of the minutes of the Yarmouth Historic District Committee. The alterations proposed by the Applicant would affect the historic integrity of the structure and the setting. The Historic District should act to preserve historic settings and places. This building is in the most sensitive part of the Yarmouth Historic District and is also on a scenic highway. There are many different styles in this area and they should be preserved. The window changes that are being proposed will affect the historic integrity of the entire area. She 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 approval. He agreed that this is a very sensitive area of the Historic District. The concern of a majority of the Committee was whether this will fit the setting of historic Yarmouthport. He said that buildings do evolve that that no abutters objected at the hearing or were appealing here. The proposed changes will not detract from the setting of historic Yarmouthport and the Yarmouth Historic District Committee was not arbitrary, capricious or used poor judgment in arriving at its determination.

DISCUSSION:

In discussion among members of the general public it was felt that it would be more appropriate to keep the building the way it is and work on other ways to make the building more impressive.

In discussion among Commission members concern was raised that the Yarmouth Historic District Committee had not fully considered the historic significance of the building involved.

FINDINGS:

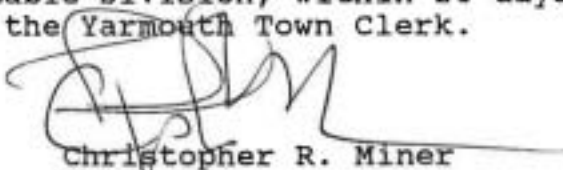
The Commission made the following Findings of Fact:

1. That the Yarmouth Committee did act in an erroneous manner in approving the Applicant's application for a Certificate of Appropriateness.

DETERMINATION:

Based on the above findings, the appeal is allowed and the prior determination by the Yarmouth Committee is rendered null and void.

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.


Christopher R. Miner
Chairman