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THE CAPE COD COMMISSION

CAPE COD PLANNING AND ECONOMIC DEVELOPMENT COMMISSION
1ST DISTRICT COURT HOUSE, BARNSTABLE, MASSACHUSETTS 02630
TELEPHONE: 508-362-2511

Date: October 18, 1990
To: Bruce and Barbara Amster
From: Cape Cod Commission
Re: Development of Regional Impact Referral
Cape Cod Commission Act, Sections 12 and 13
Applicant: Bruce and Barbara Amster
Project: Amster Historic Structure, Yarmouth, MA.

Decision of the Cape Cod Commission

Summary

The Cape Cod Commission (The Commission) hereby denies the application of Bruce and Barbara Amster for a Development of Regional Impact under Sections 12 and 13 of the Cape Cod Commission Act (the Act), c. 716 of the Acts of 1989, as amended, for a dry goods/general store in a structure listed upon the Massachusetts Register of Historic Places. The Decision is rendered pursuant to the vote of the Commission on September 13, 1990.

Project Description

The petitioners are proposing to operate an old fashioned dry goods/general store in a building which was constructed circa 1810 and is listed upon the Massachusetts Register of Historic Places. The petitioners intend to remove the rear modern shed addition to the structure for the purpose of siting three parking spaces. They intend to restore the historic structure to its nineteenth century appearance including the re-installation of the original windows.

Procedural History

This project was referred to the Commission by the Yarmouth Planning Board on July 19, 1990 under Section 12 of the Act. A public hearing on the application was conducted by the Commission on September 13, 1990 in Rooms II/12 in the Barnstable County Superior Court House, Route 6A, Barnstable, MA.

Materials Submitted for the Record

- DRI Referral from the Yarmouth Planning Board, received July 19, 1990 by the Office of the Cape Cod Commission;
- Site Plan of Land in South Yarmouth, MA., prepared for Barbara Amster, by Down Cape Engineering dated June 19, 1990;
- Document from the Massachusetts Historical Commission, received by the Commission Office on August 14, 1990;
- Letter from Dorr Fox, Cape Cod Commission staff, to Bruce and Barbara Amster, dated August 2, 1990.

Public Hearing

At the September 13, 1990 hearing, no substantive testimony was taken by the Commission because the petitioner failed to submit a certified abutters list. Therefore, it was determined that the hearing was not properly noticed and the application must be disapproved.

Jurisdiction

The proposed dry goods/general store of Bruce and Barbara Amster qualifies as a Development of Regional Impact under Section 12(C)(1) of the Act, which requires review of "Any proposed demolition or substantial alteration of an historic structure listed with the National Register of Historic Places or Massachusetts Register of Historic Places, outside a municipal historic district or outside the Old Kings Highway Historic District."

The application and notice of public hearing relative thereto, the Commission staffs' notes and exhibits and all written submissions received in the course of the proceedings are incorporated into the record by reference.

Findings

The Commission has considered the Development of Regional Impact application of Bruce and Barbara Amster for the proposed dry goods/general store and makes the following findings:

- 1) The applicant failed to submit a certified abutters list and a fully completed application form as required by Sections 5 and 12(g) of the Act and Commission regulations.
- 2) Based upon the lack of a certified abutters list, the Commission was unable to conduct a properly noticed public hearing on this project.

Conclusion

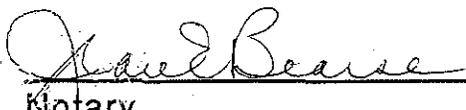
Based upon the findings above, the Commission hereby denies the Development of Regional Impact application of Bruce and Barbara Amster, pursuant to Sections 12 and 13 of the Act. This conclusion is supported by the fact that the applicant failed to provide a certified abutters list and a fully completed application form, and therefor the Commission was unable to hold a properly noticed public hearing on this project. The Commission denies this project without prejudice due to lack of information. The applicant may seek a re-referral to the Commission for a decision on the merits of the proposed project.



Richard S. Armstrong, Chairman

10/25/90

Date



Notary, My Commission Expires May 7, 1993

10/25/90

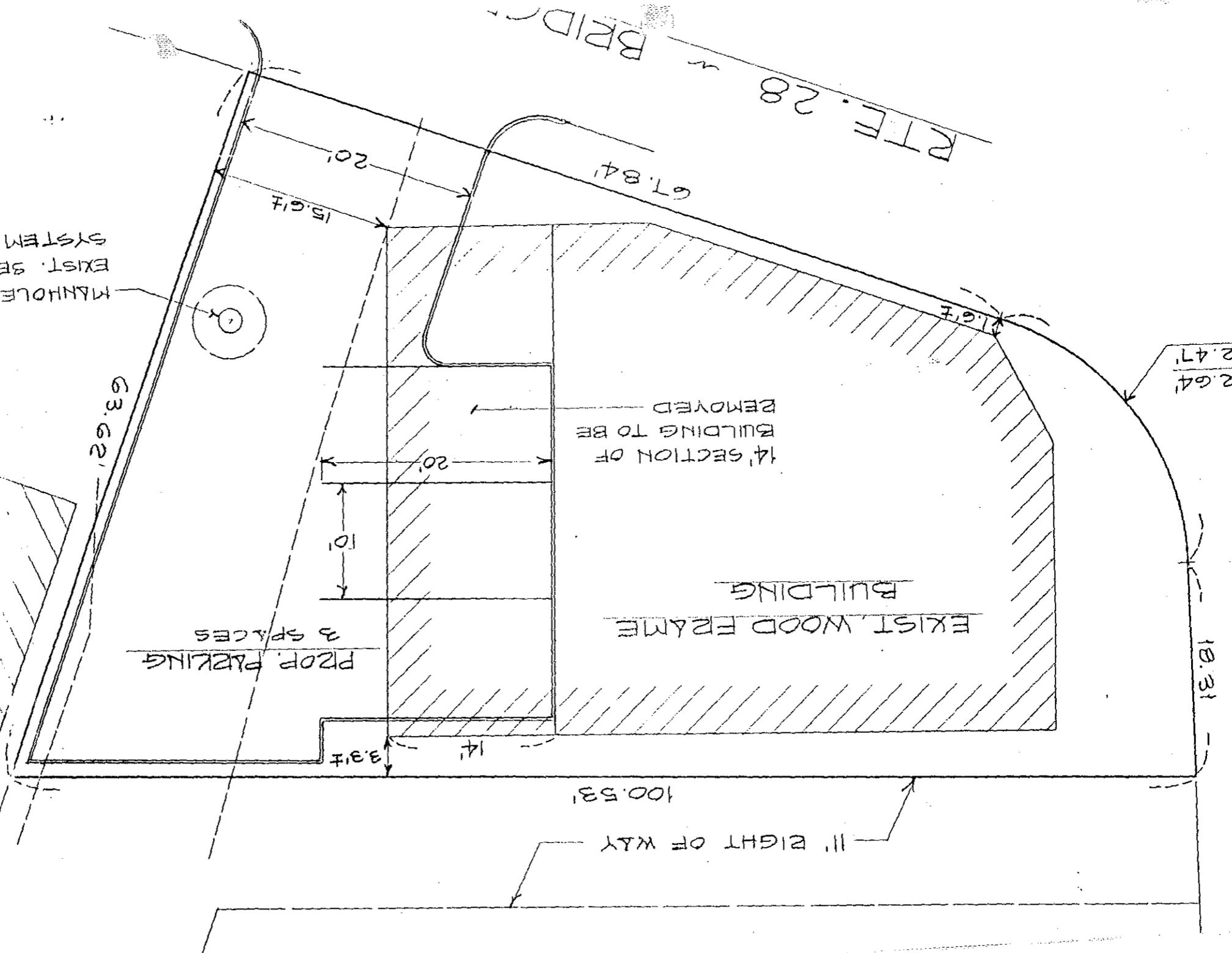
Date

ANDREW J. BOYLEN

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ANDREW J. BOYLEN

MANHOLE OVER
EXIST. SEPTIC
SYSTEM



11' RIGHT OF WAY

100.53'

EXIST. WOOD FRAME
BUILDING

14' SECTION OF
BUILDING TO BE
REMOVED

PROP. PARKING
3 SPACES

RTE. 28
BRIDGE

NORTH MAIN ST.

R=22.64'
L=22.47'

18.31'

67.84'

63.62'

20'

10'

3.31'

14'

15.61'

11.61'