

Old King's Highway Regional Historic District Commission
First District Courthouse, Barnstable, Mass. 02630 Telephone: 617-362-4092

ROSALIE B. SWANSEY
Appellant

VS

Old King's Highway Regional
Historic District Committee
in the Town of Yarmouth

DECISION ON AN APPEAL TO
THE ABOVE COMMISSION

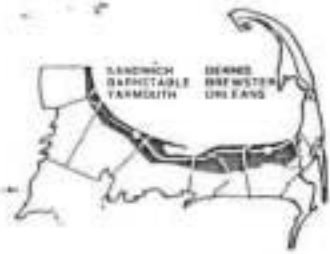
No. 80-5

A hearing was held on July 1, 1980, by the above Commission upon an appeal by the above Appellant from a decision of the Yarmouth Historic District Committee granting a Certificate of Appropriateness for the construction of a 24-foot, 3 section stockade fence on property owned by Thomas P. Cantwell et ux located at 112 Hallet Street, Yarmouth Port, Mass.

Present were Mr. MacSwan, Barnstable, Mr. Young, Yarmouth, Mr. Ivers, Brewster, Mr. Hanger, Dennis, Mr. White, Sandwich Mrs. Swansey, Appellant, Mr. Cantwell applicant and Attorney Wilson counsel for the Commission.

The minutes of the Yarmouth Committee's meeting were not available to the Commission. The only document available was a copy of the Certificate of Appropriateness and the appeal petition by the applicant. The Commission noted in examining the Certificate of Appropriateness that no height for the fence was indicated and that an apparent conflict between what was believed to have been approved to wit: a straight 6 foot high stockade fence, and a tapered 6 foot to 4 foot high stockage fence which appeared on the face of the Certificate of Appropriateness.

After hearing testimony by Mrs. Swansey and Mr. Cantwell,



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the Commission makes the following findings:

1. The Committee's decision was filed with the Yarmouth Town Clerk on May 29, 1980, and the appeal was entered with the Commission in a timely manner on Monday, June 9, 1980.
2. The Committee erred in failing to clarify in its decision the height and dimension of the proposed stockade fence.
3. That the decision of the Town Committee be annulled and the matter remanded to the Town Committee for a proper Certificate of Appropriateness that clearly defines the height of the approved stockade fence.

The parties are advised that they may appeal this decision to the First District Court of Barnstable within twenty days.

Respectfully submitted

Elliott B. MacSwan

Elliott B. MacSwan
Chairman

Filed July 3, 1980