

Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

Telephone: 617-775-1766

H. Earle Lantery, Jr.

vs.

DECISION 83-6

Old King's Highway Regional
Historic District Committee
for the Town of Sandwich

On August 16, 1983, the Commission held a hearing on an appeal filed by H. Earle Lantery, Jr., to a decision by the Sandwich Historic District Committee which has approved a Certificate of Appropriateness for the construction of a new home on Lot 40, Crestview Drive, Sanwich, Massachusetts.

Present were: Mr. Sutton, Sandwich, Mr. MacSwan, Barnstable, Mr. Nickerson, Yarmouth, Mr. Dwyer, Dennis, Mr. Lantery and Attorney Wilson, commission counsel.

The decision of the Sandwich Committee was filed on July 14, 1983, and the appeal entered with the regional commission on July 21, 1983, within the ten day appeal period.

Mr. Sutton read the appeal petition and asked Mr. Lantery to present his reasons for the appeal.

Mr. Lantery stated that he had appealed because he felt the house was located too close to the side of the road and that the applicant had refused to move it back to what he considered to be a reasonable distance. Mr. Lantery also stated that he understood that the applicant had decided not to buy the property and that the lot was back on the market.

Mr. Sutton indicated that revised plans that were supposed to be filed with his committee had not been submitted. Mr. Sutton further stated that the reason the committee approved the siting of the building was that the abutters did not object.

Mr. MacSwan pointed out that the decision of the committee appeared to be ambiguous because the amendments were not clarified.

After a lengthy discussion it was determined that failure of the applicant to present an amended plan and the ambiguity of the existing certificate of appropriateness could best be resolved with a new application.

Therefore the commission makes the following findings:

1. That the committee erred in issuing the

Certificate of Appropriateness without clarifying the amendments.

2. That the decision of the committee is in error.

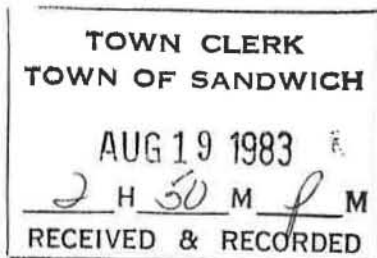
THEREFORE, the Certificate of Appropriateness issued by the Sandwich Committee is annulled and the request for a Certificate is denied.

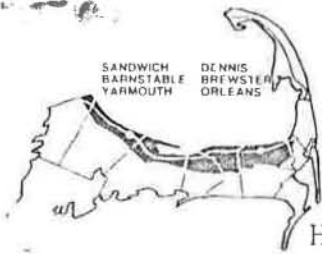
The parties are advised that this decision is subject to a 20-day appeal period during which an aggrieved party may file an appeal with the Barnstable District Court.

Respectfully submitted,

George Sutton

George Sutton, Chairman





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After a lengthy discussion it was determined that failure of the applicant to present an amended plan and the ambiguity of the existing certificate of appropriateness could best be resolved with a new application.

Therefore the commission makes the following findings:

1. That the committee erred in issuing the

Certificate of Appropriateness without clarifying the amendments.

2. That the decision of the committee is in error.

THEREFORE, the Certificate of Appropriateness issued by the Sandwich Committee is annulled and the request for a Certificate is denied.

The parties are advised that this decision is subject to a 20-day appeal period during which an aggrieved party may file an appeal with the Barnstable District Court.

Respectfully submitted,

George Sutton

George Sutton, Chairman
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