



Old King's Highway Regional Historic District Commission
P.O. Box 279, Hyannis Mass. 02601
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EVERETT B. BAKER

vs.

Decision #84-16

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

On December 20, 1984 the Commission held a hearing on an appeal filed by Everett B. Baker et al seeking review of a decision by the Barnstable Committee which approved the placement of a six foot fence on the property line of Mr. Casassa located at 111 Sunset Lane.

Present were: Mr. Sutton, Sandwich; Mr. MacSwan, Barnstable; Mr. Smith, Yarmouth; Mr. Hanger, Dennis; Mrs. Reis, Brewster; Mr. Wilson, Commission Counsel; Mr. Ivers, Administrative Assistant; Dr. Baker, appellant; and Mr. Casassa, applicant.

The decision of the Barnstable Committee was filed on November 16, 1984 and the appeal entered with the Commission on November 27, 1984, one day after the expiration of the ten day appeal period.

All members of the Commission indicated that they had visited the site. The fence was in place because it had been erected previously to replace an older fence of a different style. Dr. Baker stated that his reasons for the appeal were set forth in his petition and basically indicated that he felt the fence was unsightly and not compatible with the neighborhood. He further indicated that the reason the appeal was late was because he never received notice of the hearing before the Town Committee.

Mr. MacSwan outlined the history of the fence controversy and indicated that he had been unable to resolve the problem between the neighbors. He further indicated that no one had appeared in opposition at the Committee meeting at which the certificate was issued. Mr. Casassa stated that he felt that his fence was compatible and an improvement over the older stockade fence which was annually blown down by the winter winds.

After lengthy discussion, the Commission made the following findings:

1. That the fence was not incompatible with the neighborhood.

28 111

Decision #84-16 (cont.)

2. That the Committee did not exceed its authority or exercise poor judgment.

Therefore, the decision of the Barnstable Committee is hereby affirmed (4-1-1).

Any persons aggrieved by this decision may file an appeal with the Barnstable District Court within twenty days of the filing of this decision with the Town Clerk.

Respectfully submitted,


George Sutton, Chairman