



Old King's Highway Regional Historic District Commission
P.O. Box 279, Hyannis Mass. 02601
Telephone: 617-775-1766

BAY COLONY PROPERTY CO., INC.

vs.

Decision #84-17 A & B

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

On December 20, 1984 the Commission held a hearing on an appeal filed by Bay Colony Property Co., Inc. seeking review of a decision by the Brewster Committee which denied a certificate for demolition or removal and a Certificate of Appropriateness for the relocation of a stone wall on Lower Road in Brewster.

Present were: Mr. Sutton, Sandwich; Mr. MacSwan, Barnstable; Mr. Nickerson, Yarmouth; Mr. Hanger, Dennis; Mrs. Reis, Brewster; Mr. Wilson, Commission Counsel; Mr. Ivers, Administrative Assistant; and Attorney Myer Singer, Attorney for the applicant.

The decision of the Brewster Committee was made on November 19, 1984, and later filed with the Town Clerk on December 6, 1984. The appeal was entered with the Commission on November 29, 1984, within the ten days appeal period.

All members of the Commission indicated that they had visited the site. Plans of the fence relocation and photographs of the area were reviewed by the Commission. Attorney Singer addressed the Commission on behalf of the applicant. He outlined the three bases upon which he felt his client was entitled to the requested Certificate, including therein the following:

1. That the Committee had failed to file its decision within forty-five (45) days (application filed on November 12, 1984, decision filed with the Town Clerk on December 6, 1984). However, the decision was made on November 19, 1984, within 45 days.
2. The design of the wall was compatible with other stone walls in the area and would be of the same material, height and configuration as commonly appearing within the district.
3. The hardship to the applicant because this was the only means of access to the property.

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Decision #84-17 A & B (cont.)

Mrs. Reis addressed the Commission on behalf of the Brewster Committee and stated that a majority of her Committee found that the large entrance was not compatible with the character of Lower Road. She pointed out that Lower Road was a scenic area with a rural charm and would be seriously damaged by the placement of this large entrance where the stone wall presently exists.

After a lengthy discussion and review of the plans the Commission made the following findings:

1. That the proposed stone wall alterations were too insignificant to deny the applicants proper legal access to their property.
2. That the decision of the Brewster Committee is annulled.
3. That a certificate for demolition or removal and a Certificate of Appropriateness is hereby issued in accordance with the applicant's plans as amended by the 10/16/84 white plan.

All interested parties are hereby notified that they have a right to appeal this decision to the Orleans District Court by entering an appeal within twenty days of the filing of this decision with the Brewster Town Clerk.

Respectfully submitted,

George Sutton _{pb}

George Sutton, Chairman

G. S.
TOWN CLERK & TREASURER
TOWN OF BREWSTER

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