



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

Telephone: 617-775-1766

GLADYS M. CLEAVES

vs.

Decision #84-18

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

On December 20, 1984 the Commission held a hearing on the appeal filed by Gladys M. Cleaves seeking review of the granting of a Certificate of Appropriateness to John P. King allowing the placement of a ninety foot (90') stockade fence along his property line on Buttercup Lane in Yarmouth.

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; Mrs. Cleaves, appellant; and Mr. King, applicant.

The granting of the Certificate of Appropriateness was done by default because the Committee had failed to render a decision within 45 days of the filing of the application.

The appeal was entered with the Regional Commission on December 3, 1984 within the 10 days of appeal.

Members of the Commission indicated that they had visited the neighborhood but a few of them may have not seen the actual site of the proposed fence. Plans of the proposed cedar fence which is to be located 60' back from Buttercup Lane and 5' back from the top of the bank, which is tapered or scalloped in 10' sections on each end running from 4' to 6', and to weather naturally, were submitted to the Commission. Mrs. Cleaves indicated that the fence would severely restrict her view. She further indicated that her appeal was entered because the Yarmouth Committee did not have sufficient time to work out a compromise for the placement of the fence. Mr. Smith indicated that great effort had been made to locate the fence in a manner that would minimize any detrimental impact on the neighborhood. Mr. King stated that protection of his neighbors view was not a proper consideration and that he was entitled to place the fence as he deemed in his own best interest.

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Decision #84-18 (cont.)

The Commission, after a lengthy discussion, makes the following finding:

That the proposed stockade fence is not inappropriate under the act. Therefore, the granting of the Certificate of Appropriateness for a 6' cedar stockade fence as outlined above is hereby affirmed.

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, Jr.

George Sutton, Chairman

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