



Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

Telephone: 617-775-1766

DANIEL SULLIVAN

vs.

DECISION 85-7A

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

On July 30, 1985, the Commission held a hearing on an appeal filed by Daniel Sullivan seeking review of the denial of a Certificate of Appropriateness by the Barnstable Committee for the construction of a dwelling on Lot 1 on Meridian Way in Barnstable.

Present were Mr. Lindquist, Brewster; Mr. MacSwan, Barnstable; Mr. Hanger, Dennis; Mr. Sutton, Sandwich; Mr. Nickerson, Yarmouth; Mr. Ivers, Administrative Assistant; Daniel Sullivan, Appellant; Ann Sullivan; Attorney Peter Lizotte; and Attorney Robert G. Brown, Commission Counsel.

The decision of the Barnstable Committee was filed with the Town Clerk on May 24, 1985 and the appeal entered with the Commission on June 3, 1985 within the ten day appeal period.

All of the members of the Commission, with the exception of Mr. Lindquist of Brewster, indicated that they were familiar with the neighborhood.

Attorney Peter Lizotte, representing the Appellant Daniel Sullivan, distributed a memorandum of law to the Commission and then addressed the Commission, stating that the area in question was first subdivided in the 1940's. He stated that the proposed dwelling would be a 1½ story Cape with a garage. The structure would measure 60' x 22'. The lot in question is subject to wetlands conditions due to an ancient drainage ditch and that both the Conservation Commission and the Zoning Board of Appeals had granted variances from the local wetlands regulations and zoning by-law respectively. Attorney Lizotte stated that the dwelling was appropriate for the neighborhood. He said that the area in question was a mixed neighborhood of one story cottages and two story homes; he displayed pictures of other buildings in the neighborhood to show the mixed character of the area and said that the proposed dwelling would be no different in height than the other two story dwellings in the area. He asked that the Barnstable Committee's decision be reversed.

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Elliott MacSwan, representing the Barnstable Committee, stated that the Appellant had not shown that the Barnstable Committee was arbitrary or capricious as had been alleged in the appeal. Mr. MacSwan stated that the Committee felt that the dwelling was placed too close to the street and that with a four foot build up due to flood plain zoning regulations, the dwelling would dominate the neighborhood if it was built as a two story dwelling, which the committee felt it was. He stated that the Committee had informed the Appellant that they would be more inclined to approve a one story or a 1½ story dwelling but could not approve the proposed two story design. He also stated that the Appellant had failed to mention that to the East are predominantly one story homes.

After discussion the Commissioners made the following decision:

1. That the Barnstable Committee did not err in denying the Certificate of Appropriateness.

Parties were advised that any person aggrieved by this decision has the right to appeal to the Barnstable Division of the District Court Department within twenty days of the filing of this decision with the Town Clerk. (Vote 4-0-1)

Respectfully submitted,

George Sutton
(RSB)

George Sutton
Chairman

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