



Old King's Highway Regional Historic District Commission

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VERNON L. STRIEBEL

v.

Decision 86-12

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

HORACE SCHERMERHORN

v.

Decision 86-14

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

On Tuesday, August 5, 1986 the Commission held a hearing on Appeals #86-12 and #86-14 filed by Vernon L. Striebel and Horace Schermerhorn, respectively, seeking review of the action taken by the Sandwich Historic District Committee concerning an application for a Certificate of Appropriateness involving the construction of a house at 9 Village Drive, East Sandwich, Massachusetts.

Present were: Mr. Freeman, Barnstable; Mrs. Stout, Dennis; Mr. Smith, Yarmouth; Mr. Shay, Brewster; Mr. Blaisdell, Sandwich, Mr. Wilson, Commission Counsel; Mr. Striebel, Attorney Boudreau for Mr. Striebel and Mr. Schermerhorn.

The Committee denied a Certificate of Appropriateness on June 11, 1986 and filed its decision on July 1, 1986. The appeal was entered with the Commission on July 9, 1986. The original application was filed on May 5, 1986, and the applicant claims in the appeal that failure to file the written decision with the Town Clerk within the 45 day time period as set forth in the Act entitled the applicant to an approval.

After lengthy discussion the Commission determined that failure to file a written decision within 45 days did not entitle the applicant to an automatic approval since the applicant was present at the meeting when the Committee voted to deny the certificate, and therefore had notice of the decision within the 45 days. The applicant further contended the decision itself was vague and did not properly set forth the specific reasons for denial, and therefore failed to meet the requirements of the Commission's Guidelines set forth under Section I(c)(3), and therefore the applicant should be entitled to an automatic approval.

The Commissioners, after reviewing the enumerated four stated reasons for denial, determined that it was sufficient, but expressed concern that the Committee should be more specific

Decisions #86-12 and #86-14 (cont.)

in the future.

Finally the applicant contended that the proposed building was appropriate and that the Committee erred in determining that it was incompatible with the neighborhood.

The Commissioners, after hearing the concerns of Mr. Schermerhorn, Mr. Striebel and Mr. Blaisdell, concluded that a remand would best allow the parties to work out a compromise design that would be compatible and acceptable.

Therefore, the Commission hereby annuls the decision of the Town Committee and remands the case to the Town Committee for immediate rehearing at the next available meeting in an effort to reach a common agreement and the granting of an acceptable Certificate of Appropriateness.

Any person aggrieved by this decision has a right to appeal to the Barnstable District Court within 20 days of the filing of this decision with the Sandwich Town Clerk.

Anne Stout  
Chairman

