



# Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

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EDWIN J. BENNETT

v.

Decision #86-8

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

On Tuesday, June 24, 1986 the Commission held a hearing on Appeal #86-8 filed by Edwin J. Bennett seeking review of a decision by the Yarmouth Historic District Committee which had denied a Certificate of Exemption for the construction of a fence on property located at 35 Route 6A, Yarmouthport, Massachusetts.

Present were: Mr. MacSwan, Barnstable; Mrs. Stout, Dennis; Mr. Blaisdell, Sandwich; Mr. Smith, Yarmouth; Mr. Ivers, Administrative Assistant; Mr. Wilson, Commission Counsel and Edwin J. Bennett.

The Committee's decision had been filed with the Town Clerk on May 23, 1986 and the appeal entered with the Regional Commission on June 2, 1986 within the ten day appeal period.

Mr. Bennett addressed the Commission and stated that the proposed four foot white picket fence would be located eight feet back from the front line of the house and would give more space around the swimming pool that he was building on the side of his house. The Committee had previously approved the fence nineteen feet back from the front of the house. Mr. Bennett suggested that moving the fence closer to the street would not be inappropriate.

Mr. Smith, speaking on behalf of the Yarmouth Committee, indicated that the Committee felt that nineteen feet back was the proper location for the fence, and that it gave the owner adequate and reasonable space within which to locate the swimming pool.

After lengthy discussion the Commission made the following findings and determinations:

1. That the Committee had a reasonable basis for determining that the relocation of the fence would be far more visible

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from Route 6A and less compatible with the neighborhood.

2. That the Committee did not exceed its authority in denying the Certificate of Exemption.

Therefore, the decision of the Yarmouth Committee is affirmed.

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



Anne Stout  
Chairman

TOWN CLERK & TREASURER  
TOWN OF YARMOUTH

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