



Old King's Highway Regional Historic District Commission^c

P.O. Box 279, Hyannis Mass. 02601

Telephone: 617-775-1766

NOAH DORIUS

v.

Decision #87-28

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

On Tuesday, September 29, 1987 the Commission held a hearing on Appeal #87-28 filed by Noah Dorius seeking review of a decision by the Yarmouth Historic District Committee which had denied a Certificate of Exemption for a picket fence at 16 Old Church, Yarmouthport, Massachusetts.

Present were Ron Lindholm, Dennis; Milton Smith, Yarmouth; Michael Shay, Brewster; John Blaisdell, Barnstable; Robert G. Brown, Commission Counsel; and Noah Dorius Applicant.

The Committee's decision had been filed with the Town Clerk on September 11, 1987, and the appeal entered with the Commission on September 16, 1987, within the ten day appeal period.

Noah Dorius addressed the Commission and explained that he had applied for a Certificate of Exemption for a 38 inch high white picket fence, that the rules and regulations of the Old King's Highway District exempted such fences and that the Yarmouth Committee erred in denying his application for a Certificate of Exemption.

Milton Smith, representing the Yarmouth Committee, addressed the Commission to explain the Yarmouth Committee's reasons for denial. He stated that the Committee felt that the application submitted was incomplete in that there was no additional documentation presented to show the work that would be done.

A question was directed to Commission Counsel as to the meaning of the section of the rules and regulations exempting white picket fences not over four feet in height and the extent of a local committee's discretion in considering such applications. Robert G. Brown, Commission Counsel replied that in considering such applications a committee's review was limited to whether the proposed fence was white, picket style, and not over four feet in height. He also stated that the local committee could take into consideration the placement of the fence so as to ascertain the fact that a proposed fence would actually be used as a fence.

After lengthy discussion the Commission made the following determination.

1. That the Yarmouth Historic District Committee did, unintentionally, act in an erroneous manner in denying the Applicant's Certificate of Exemption and that the determination of the Yarmouth Committee be revised and the Certificate of Exemption be issued by the Commission. 3-0-1

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 Yarmouth Town Clerk.

Peter L. Freeman (r)

Peter L. Freeman
Chairman