

Old King's Highway Regional Historic District Commission

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PAUL MISCOVSKY and
ARLENE C. CRANE

v.

Decision #87-43

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

On Tuesday, January 5, 1988 the Commission held a hearing on Appeal #87-43 filed by Paul Miscovsky and Arlene C. Crane seeking review of a decision by the Sandwich Historic District Committee which had approved a Certificate of Appropriateness for the construction of a fence at 7 Factory Street, Sandwich, Massachusetts.

Present were Barbara Hart, Dennis; Michael Shay, Brewster; John Blaisdell, Sandwich; Peter Freeman, Barnstable; Milton Smith, Yarmouth, Robert G. Brown, Commission Counsel; Jonathan Fitch, Agent for Paul Miscovsky and Arlene C. Crane; Paul Miscovsky and Arlene C. Crane, Appellants; Mr. & Mrs. Harju, Applicants; and Robert Bianchi, Counsel for the Applicants.

The Committee's decision had been filed with the Town Clerk on December 10, 1987, and the appeal entered with the Commission on December 18, 1987, within the ten day appeal period.

Jonathan Fitch addressed the Commission and explained that Mr. Miscovsky and Ms. Crane held a purchase and sale agreement on abutting property and that neither they nor the property owner were notified of the hearing as the Historic District Act requires. He also stated that no plot plan was filed with the application as is normally required by the Sandwich Committee.

Paul Miscovsky, Co-Appellant, addressed the the Commission and stated that from an aesthetic point of view, the fence was inappropriate.

John Blaisdell, representing the Sandwich Committee, addressed the Commission to explain the Sandwich Committee's reasons for approval. He stated that the records of the Town of Sandwich regarding property owners are lacking in that they are very out of date. He said that the Committee has approved others in the area, that the fence is cedar and will be natural to the area. The Committee felt that it was aware of what it was doing and felt unanimously that the fence was acceptable and appropriate.

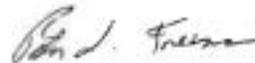
Robert Bianchi, Attorney for Mr. and Mrs. Harju, addressed the Commission and stated that the Appellants did not have standing to take an appeal. He further pointed out that his clients are older people who desire some privacy. He stated that there was no evidence that notice was not received.

After lengthy discussion the Commission made the following determination.

1. That the Sandwich Historic District Committee did act in an erroneous manner in approving the Applicants' Certificate of Appropriateness.

2. That the decision of the Sandwich Committee be and is annulled and that the matter be remanded to the Sandwich Committee for a new hearing with proper notice to all parties. 3-1-1

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 Sandwich Town Clerk.



Peter L. Freeman
Chairman

