

Old King's Highway Regional Historic District Commission

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FRANK C. BESS

v.

Decision #88-6

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

On Tuesday, March 15, 1988 the Commission held a hearing on Appeal #88-6 filed by Frank C. Bess seeking review of a decision by the Sandwich Historic District Committee which had denied a Certificate of Appropriateness for a fence at 1 Canary Street, Sandwich, Massachusetts.

Present were Ron Lindholm, Dennis; Michael Shay, Brewster; John Blaisdell, Sandwich; Peter Freeman, Barnstable; Robert G. Brown, Commission Counsel; and Frank C. Bess, Applicant.

The Committee's decision had been filed with the Town Clerk on February 18, 1988, and the appeal entered with the Commission on February 23, 1988, within the ten day appeal period.

Frank C. Bess, addressed the Commission and explained that in July of 1987 he sought permission for a fence along the easterly and northerly bounds of his property. The easterly portion of the fence would replace a four foot mesh fence and the northerly section would be new, with no fence previously existing there. The plan was unanimously approved subject to the use of black mesh. He stated that he did not intend to fence the rest of the property at the time but that after the first of the year he found he was in a better position to afford it. He stated that he approached all abutters and there was no problem. He showed numerous pictures of other sites in the District with chain link fences and produced several letters from abutters which were read into the record. Mr. Bess stated that the board is trying to change policy in the middle of the project without notice to the public and that more notice should have been given.

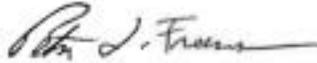
John Blaisdell, representing the Sandwich Committee, addressed the Commission to explain the Sandwich Committee's reasons for denial. He stated that the application occurred in the middle of a gradual change. He stated that the Committee has been trying to identify various areas of the District that are significant and the Committee felt that this area of Sandwich was very significant and that the policy change came about as a direct result of the status

of the area. He stated that the area of fencing would border on three properties that are not fenced. The feeling of the Committee is that the limit has been reached and that enough is enough and that to allow any more fences of this type would detract from the historic significance of the area. He also stated that the pictures that were shown were generally of sites that were not as small as that of the Applicant's.

After lengthy discussion the Commission made the following determination.

1. That the Sandwich Historic District Committee did act in an arbitrary, capricious and erroneous manner in denying the Applicant's Certificate of Appropriateness.
2. That the decision of the Sandwich Committee in this matter be and is annulled.
3. That the matter be remanded to the Sandwich Committee for review of the application of the Committee's policy in this matter.

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

