

NANCY JOHNSON

v.

Decision #2000-15

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

On Tuesday, August 15, 2000 the Commission held a hearing on Appeal#2000-15 filed by Nancy Johnson, seeking review of a decision by the Barnstable Historic District Committee denying a Certificate of Appropriateness for a fence to be located at 245 Parker Road, West Barnstable, Massachusetts.

Present were Dorothy Stahley, Barnstable; Betty Allen, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Elizabeth Wilcox, Dennis; Robert G. Brown, Commission Counsel; and Craig Short, Agent for the Appellant.

The Committee's decision was filed with the Town Clerk on July 10, 2000. The appeal was entered with the Commission on July 21, 2000.

THE APPELLANT'S PRESENTATION:

Craig Short, Agent for the Appellant, addressed the Commission in favor of the appeal. He showed a photograph of the proposed fence and also showed photographs of other fences in the District. He said 1000 feet of fence was needed for dogs owned by the Appellant and for general security. He also displayed a proposal for the Commission of moving the fence back in such a way as to not be so visible.

THE COMMITTEE'S PRESENTATION:

Dorothy Stahley, representing the Barnstable Committee, addressed the Commission in opposition to the appeal. She said the amount of fencing was a concern for the Committee. Parker Road is in a very historic area of the District and the property in question has quite an historic setting. The Committee felt that 1000 feet of fencing was inappropriate.

DISCUSSION:

In discussion among Commission members there was a consensus that there was no evidence presented that the Barnstable Committee had acted in an arbitrary, capricious or erroneous manner or had used poor judgment. As such, the decision of the Barnstable Committee should be upheld.

FINDINGS:

The Commission voted as follows:

1. That the Barnstable Committee did not act in an arbitrary, capricious or erroneous manner, nor used poor judgment, in approving the Applicant's application.
2. That the appeal be denied.

DETERMINATION:

As to Appeal #2000-15 the appeal is denied.

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.

Roy Robinson
Chairman