

PAULA GULBICKI & LAWRENCE CARR

v.

Decision #2000-22

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

On Tuesday, December 5, 2000 the Commission held a hearing on Appeal #2000-22 filed by Paula Gulbicki & Lawrence Carr, seeking review of a decision by the Yarmouth Historic District Committee denying a Certificate of Appropriateness for a fence to be located at 5 Spinnaker Lane, Yarmouthport, Massachusetts.

Present were Dorothy Stahley, Barnstable; Jonathan Shaw, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Elizabeth Wilcox, Dennis; Robert G. Brown, Commission Counsel; and Paula Gulbicki, Appellant.

The Committee's decision was filed with the Town Clerk on November 1, 2000. The appeal was entered with the Commission on November 2, 2000, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Paula Gulbicki addressed the Commission in favor of the appeal. She said she had been a resident of Yarmouth for 17 years and had recently built a home in Yarmouthport at the corner of Spinnaker Lane and Union Street. As the lot was cleared it was obvious road noise would be a problem and it has been very difficult getting a night's sleep in the house due to the road noise. She pointed out several fences at various sites along Union Street and did not understand why she could not be approved. She proposes a wooden 5 foot board fence with cedar latticework. In addition, she has planted 24 arbor vitae to reduce the impact of the fence.

THE COMMITTEE'S PRESENTATION:

Deborah Gray, representing the Yarmouth Committee, addressed the Commission in opposition to the appeal. She said each case is considered on its own merits and several of the fences cited by the Appellant were erected in violation of the Act. She said the

Committee had three meetings and one site visit regarding this fence and the Committee felt that a fence such as this in such a prominent site would be a problem. She asked that the appeal be denied.

DISCUSSION:

In discussion among Commission members there was a consensus that the Yarmouth Committee had a rational basis for its decision as the streetscape in the area would be seriously affected by the erection of the fence and the Yarmouth Committee should be upheld.

FINDINGS:

The Commission voted as follows:

1. That the Yarmouth Committee did not act in an arbitrary, capricious or erroneous manner in denying the Appellant's application in this matter. 3-0-2.
2. That the appeal be denied. 3-0-2.

DETERMINATION:

As to Appeal #2000-22 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 Yarmouth Town Clerk.

Roy Robinson
Chairman