

**OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT
COMMISSION**

P.O. Box 140, Barnstable, Massachusetts 02630-0140
Tel: 508-775-1766 FAX 508-775-9248

Dovile Murray & Robert Murray

V.

Decision #2001-14

**Old King's Highway Regional Historic
District Committee For the Town of
Sandwich**

On Tuesday, October 16, 2001 the Commission held a hearing on Appeal #2001-14 filed by Dovile Murray & Robert Murray, seeking review of a decision by the Sandwich Historic District Committee approving a Certificate of Appropriateness for alterations to their property located at 339 Phillips Road, Sandwich, Massachusetts.

Present were Jeffery Wilson, Barnstable; Paul White, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Peter Lomenzo, Dennis; James R. Wilson, Acting Commission Counsel; and Dovile Murray & Robert Murray, Appellants.

The Committee's decision was filed with the Town Clerk on July 26, 2001. The appeal was entered with the Commission on August 6, 2001, within the 10 day appeal period.

The Appellant's Presentation:

Mr. Murray addressed the Commission in favor of the appeal. He stated that the Sandwich Committee had granted the Certificate of Appropriateness with an agreed upon requirement that the windows have a 1"X 4" wooden trim. He stated that he discovered after the hearing that the other houses in his area did not have the same type of trim. He requested that the Commission issue an amended Certificate of Appropriateness deleting the requirement of the trim.

The Committee's Presentation:

Paul White representing the Sandwich Committee, addressed the Commission in opposition to the appeal. He said that the applicant agreed to the trim requirement at the hearing and that the Certificate of Appropriateness was granted in good faith. He suggested that an appeal was not in order, because the Applicant had been granted a proper Certificate of Appropriateness and the Commission lacked jurisdiction to modify the Town Committee's approval.

**TOWN CLERK
TOWN OF SANDWICH**

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Discussion:

Attorney James R. Wilson indicated that in his opinion the Town Committee was correct in challenging the Commission's jurisdiction over the subject matter of the appeal. After discussion among the Commission members there was a consensus that the Commission lacked jurisdiction over the subject matter of the appeal.

Findings:

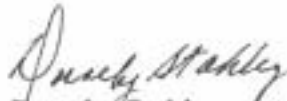
The Commission found as follows:

That the Commission lacks jurisdiction over the subject matter of Appeal #2001-14.

Determination:

As to Appeal #2001-14, the appeal is denied and decision of the Sandwich Committee is affirmed.

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.


Dorothy Stahley
Chairman

2001-15
withdrawal

LAW OFFICES OF
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October 15, 2001

James R. Wilson, Esq.
760 Main Street
Hyannis, MA 02601

Re: Harriet Buono - 169 Rendezvous Lane, Barnstable
Old King Highway Regional Historic District Commission

Dear Mr. Wilson:

Because we are scheduled to appear before the Old Kings Highway Committee on October 24 with a new plan, I respectfully request that our appeal of September 10, 2002 be withdrawn without prejudice.

Very truly yours,

John R. Alger / BT

JRA/bt