

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

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

**John F. Sagar and Patricia G. Sagar, Appellant**

**V.**

**Decision #2004-1**

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

On Tuesday, May 4, 2004 at 7:45 P.M., the Commission met to hold a hearing at the Fire Station Community Room, 340 Route 6A, Yarmouth Port, Massachusetts, on Appeal #2004-1 filed by John F. Sagar and Patricia G. Sagar seeking reversal of a decision by the Brewster Historic District Committee granting a Certificate of Appropriateness to Joyce Stier and Paul Stier for the construction of a dwelling to be located on Assessor's Map 17 Lot 75 on Main Street, Brewster, Massachusetts.

Present were Jeffery Wilson, Barnstable; Robert DeRoeck, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Peter Lomenzo, Dennis; James R. Wilson, Commission Counsel; John F. Sagar & Patricia G. Sagar, Appellants; and Paul Stier & Joyce Stier, Applicant.

The Committee's decision was filed with the Town Clerk on February 6, 2004. The appeal was entered with the Commission on February 14, 2004, within the 10-day appeal period.

**The Applicant's Presentation:**

James R. Wilson reported that Attorney Michael D. Ford, the applicant's attorney would like to have the Certificate of Appropriateness withdrawn with out prejudice.

Mr. Wilson stated that he felt that Commission could, with the consent of all parties, grant the request provided an error by the Brewster Committee could be identified and all parties present assented to the proposed disposition of the matter.

**The Town Committee's Presentation:**

Roy Robinson addressed the Commission on behalf of the Brewster Town Committee. He stated that the Committee failed to make a proper final site visit. He indicated that this procedural error affected the Committee's final determination. He indicated that his Committee would not object to the proposed disposition.

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**The Appellant's Presentation:**

John Sagar and Patricia Sagar said that they would not object to the proposed disposition provided their rights would not be prejudiced by the withdrawal.

**Discussion:**

Deborah Gray stated that she felt that the proposed disposition was reasonable and after discussion the Commissioners made the following findings and determination.

The Commission found as follows:

That the Committee made an error in not making a final site visit.

That the issuance of the Certificate of Appropriateness should be annulled.

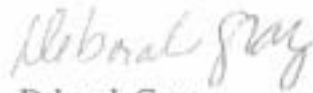
That the applicant should be allowed to withdraw their application with out prejudice to the applicant and/or the appellant.

That a *de novo* hearing with a new filing at the local town committee will be required for the issuance of a Certificate of Appropriateness for the project.

**Determination:**

As to Appeal #2004-1, the granting of the Certificate of Appropriateness is annulled and applicant is allowed to with draw their application with out prejudice (4-0-1) in accordance with the findings set forth above.

Any person aggrieved by this decision has a right to appeal to the District Court Department, Orleans Division, within 20 days of the filing of this decision with the Brewster Town Clerk.



Deborah Gray  
Vice Chairperson