



Old King's Highway Regional Historic District Commission

P. O. Box 433, Dennis, Ma. 02638

May 7, 1975

No. 75-2

Mr. Morton Gorden, President
Development Sciences, Inc.
P. O. Box 77
Rt. 6A
East Sandwich, Ma. 02537

Dear Mr. Gorden:

This will acknowledge your letter of April 30, 1975 and received by me May 1, 1975.

This letter was the first communication I have had from you and my first knowledge of your desire to appeal a decision of the Town of Bourne O.K.H.R.H.D. Committee.

It is the opinion of the Regional Commission attorney, James R. Wilson (see attached) and of the Regional Commission members that your appeal was not taken timely, i.e., not within the 20 day period as stipulated by the Act.

The fact of the matter is that the Town of Bourne decision was filed with the Bourne Town Clerk April 9, 1975, 2:10 p.m. The time for appeal would, therefore, have run out April 29, 1975.

Very truly yours,

A handwritten signature in cursive script that reads "William G. Hanger".

William G. Hanger
Chairman

WGH:NP

CC: Town Clerk, Bourne
Mr. Lloyd M. Hendrick

JAMES R. WILSON
ATTORNEY AND COUNSELLOR AT LAW
HYANNIS, MASSACHUSETTS 02601

298 MAIN STREET

TELEPHONE
(617) 775-1766

May 5, 1975.

William Hanger, Chairman
Old King's Highway Reg. Historic Commission
c/o Town Hall
Eastham, Massachusetts
DENNIS

Re: Filing Period of Appeal

Dear Mr. Hanger:

On April 9, 1975 a decision by the Town of Bourne Historic District Committee was filed with the Town Clerk denying a certificate of appropriateness to an applicant. On April 30, 1975 the applicant mailed a request of appeal to the Regional Historic District Commission which was received by the Chairman on May 1, 1975.

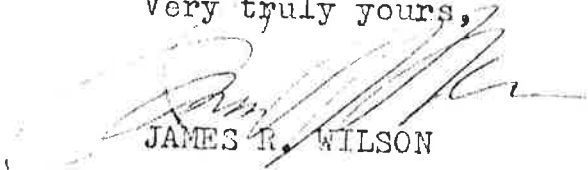
Chapter 470, Section 11 of the Acts of 1973, the Old King's Highway Regional Historic District, states "any person aggrieved by the determination of the Committee... may within twenty days after the filing of a notice of such determination with the Town Clerk... appeal to the Commission."

It is my opinion that the applicant failed to perfect his appeal in this situation because the time for appeal expired on April 29, 1975, and that the time limit for appealing is critical for the proper administration of the provisions of the Act. This opinion is based upon the interpretations set forth by the Court in construing Chapter 40A, Section 21, which deals with appeals from local zoning Boards of Appeal and sets forth a similar appeal period. In interpreting those requirements the Court has held consistently that failure to perfect a timely appeal extinguishes the right of appeal.

See Lane vs. Selectmen of Great Barrington
352 Mass. 523, 226 N.E. 2d, 238. See also Halko vs.
B. of A. of Billerica - 209 N.E. 2d 323, 325.

Very truly yours,

JRW/m


JAMES R. WILSON