

Appeal #77-1 (Brewster)

Mr. Bourne, Acting Chairman of the Commission, opened the hearing on the appeal from a decision of the Brewster Historic District Committee on the petition of Corcoran, Mullins, Jennison, Inc. to build a fence along its property abutting Pilot's Way.

The Chair stated that the appeal was received within the statutory time, and that all notices of appeal and hearing had been duly served and published.

Mr. Bourne read the notice of appeal and at his request Mr. Lake described the condominium development, the surrounding area, the Company's present and future development plans, and the proposed fence and the reasons for wanting it. He presented a series of pictures of the site showing buildings existing, and streets and houses adjacent to the development. He noted that the fence would be 336 feet long, along Pilot's Way, and 6 feet high, and that it was planned, if allowed, to extend it north along and to the end of Pilot's Way, as the condominium developed, a distance of perhaps 2,000 feet. He also noted that the fence was desired for security reasons, among others.

Mr. Lindquist then presented the Brewster Committee's side of the case. Mr. Lindquist complimented Sea Pines on the high quality of the development from an architectural point of view. However, he felt that his Committee believed there was no justification for putting up a six foot high barrier, 40 feet or less from some of the neighboring cottages. He didn't feel there was any real security problem involved. The Brewster Committee felt a planting or privet hedge or any other kind of natural growth would suffice. The Neighborhood Association also was opposed to the 6 foot fence. Two letters from local residents opposed to the fence were read to the Commission. It was noted that Pilot's Way is a public way to the private Neighborhood beach.

Mr. Wilson pointed out that they were in the area of an individual's right to use his property and the right of privacy and he was apprehensive about the tenability of the local committee's position that they were completely opposed to a fence, if such be the case; that he felt that an individual does have the right to privacy and security of a solid barrier, that he felt it might be well to try to come up with some mutually acceptable compromise.

Some members of the Commission were concerned that the fence would adversely affect the character of Pilot's Way and that this result might be avoided by relocating and lowering the fence so that there would be some trees and planting between it and the road.

Mr. Lake said he was willing to talk with the Committee again if there was any chance of coming to an agreement. After a good deal of discussion between the members of the Commission, the parties and counsel to the Commission, it was agreed to adjourn the hearing to the February 1st meeting and that in the meantime the appellant and Town committee would get together and try to work out a compromise.

On motion of Mr. MacSwan it was unanimously voted to adjourn the hearing to February 1st and extend the time to decide the Sea Pines appeal to February 4th. Mr. Lake signed an extension of the time for decision. Mr. Lindquist abstained from voting. At this point Mr. Harris had to leave the meeting.