

Old King's Highway Regional Historic District Commission

First District Courthouse, Barnstable, Mass. 02630

Telephone: 617-362-4092

ROBERT C. TENNANT, and others

- Appellants, -

VS

TOWN OF BOURNE OLD KING'S
HIGHWAY REGIONAL HISTORIC
DISTRICT COMMITTEE and
JOSEPH F. SORENTI

- Appellees -

DECISION ON APPEAL
TO THE ABOVE COMMISSION

No. 77-2

A hearing was held on April 5, 1977 by the above Commission on the appeal by Robert C. Tennant and others from the decision of the Town of Bourne Historic District Committee granting a certificate of appropriateness to Joseph F. Sorenti for the erection of a small dwelling house on a beach front lot on Sagamore Road in the town of Bourne.

From the evidence presented it appeared that the proposed one story " Cape Cod " style house is 32 feet long by 24 feet wide, an area of 768 square feet. The lot, which is non-conforming but buildable under the existing zoning bylaw, has an area of about 5000 square feet, about 4000 square feet of which is above the beach and riprap line. Adjoining the lot to the northwest is a lot owned by appellant Tennant and to the southeast is open land consisting of the unimproved end of a street, Samoset Road, beyond which is land owned by the town, bordering the beach and used as a parking lot. It appeared that the sewage disposal system for the proposed house has been approved by the town Board of Health. An application to the town Conservation Commission under the wetlands act is pending, awaiting the outcome of the proceedings here under review. The buildings on the abutting and nearby lots are architecturally diversified, appear to have been built in the past 50 or 60 years, and are not " historic " in any sense.

It is the contention of appellants, who are abutters or nearby neighbors of the subject lot, that no building whatever should be constructed thereon because of its small size, and that the site should be kept open to preserve the neighborhood " status quo. "

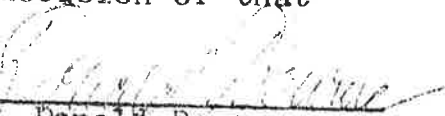
This commission is of the opinion that the proposed house is architecturally appropriate to the lot and the neighborhood and will not cover a disproportionate lot area. The existence of

some open space, owned by appellant Tennant, to the northwest, and ~~and~~ open town land to the southeast would seem to dispose of fears of excessive building density in either direction.

While this commission may take into account the character of a building site in considering the appropriateness of a proposed building thereon it may not deprive the owner of a lot of the right to build a structure thereon which complies with zoning, building code and health requirements and which is visually appropriate to its environment. The powers of town committees and this commission under the act creating the Old King's Highway Regional Historic District (Chapter 470 of the Acts of 1973, as amended) should not be exercised to effect, by indirection, limitations upon the use of property which should be effected, if at all, by appropriate zoning or other regulatory bylaws or statutes.

For the foregoing reasons this commission found that the Bourne town committee properly issued the certificate here under review and unanimously voted to affirm the decision of that committee.

April 6, 1977



Donald Bourne
Commission Chairman