

**M. ELIZABETH ROWLEY**

**v.**

**Decision #97-8**

**OLD KING'S HIGHWAY REGIONAL HISTORIC  
DISTRICT COMMITTEE FOR THE TOWN OF  
BREWSTER**

On Tuesday, May 20, 1997 the Commission held a hearing on Appeal #97-8 filed by M. Elizabeth Rowley, seeking review of a decision by the Brewster Historic District Committee which had denied an amendment to a previously issued Certificate of Appropriateness with regard to the property located at 235 Bog Pond Road, Brewster, Massachusetts.

Present were Peter Freeman, Barnstable; Roy Robinson, Brewster; Marian Reilly, Sandwich; Robert Miller, Yarmouth; Seth Crowell, Dennis; and Robert G. Brown, Commission Counsel.

The Committee's decision was filed with the Town Clerk on April 28, 1997. The appeal was entered with the Commission on May 8, 1997 within the 10 day appeal period.

**DISCUSSION:**

Prior to any presentation by the parties, the Commission considered the question of whether it had jurisdiction to hear the appeal in question. The Commission determined that the appeal was not a direct appeal from a denial of an application for a Certificate of Appropriateness but was an appeal from a denial of an amendment to a previously issued Certificate of Appropriateness. Pursuant to Section E(2) of the Guidelines of the Regional Commission (Page 6 of the December, 1983 Bulletin) the only remedy is to file a new application for a Certificate of Appropriateness.

**FINDINGS:**

The Commission made the following Findings of Fact:

1. That the Commission did not have jurisdiction to hear this appeal as the Regional Commission Guidelines are clear that the only remedy in a case such as this is to file a new application for a Certificate of Appropriateness. 4-0-1.

2. That the Appeal be denied. 4-0-1.

DETERMINATION:

Based on the above findings, the appeal is denied.

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.

Peter L. Freeman  
Chairman