

LINDA H. SHEA & others

v.

Decision #98-8

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

On Tuesday, May 26, 1998, the Commission held a hearing on Appeal #98-8 filed by Linda H. Shea and Others, seeking review of a decision by the Barnstable Historic District Committee allowing a Certificate of Appropriateness to Robert P. Dyka and Kerry J. Dyka for the construction of a shed and a fence to be located at 30 Tally Ho Road, Barnstable, Massachusetts.

Present were Edward Molans, Barnstable; William Quinn, Orleans; Seth Crowell, Dennis; Roy Robinson, Brewster; Marian Reilly, Sandwich; David Moeller, Yarmouth; Robert G. Brown, Commission Counsel; Linda Shea, Appellant; Robert P. Dyka and Kerry J. Dyka, Applicants; and many interested members of the public.

The Committee's decision was filed with the Town Clerk on April 30, 1998. The appeal was entered with the Commission on May 6, 1998 within the 10 day appeal period.

**THE APPELLANT'S PRESENTATION:**

Linda Shea, Appellant, addressed the Commission in favor of the appeal. She distributed reasons for the appeal and claimed there were various misrepresentations regarding the size of the lot and the amount of excavation planned. In addition, she said there was a failure to notify all of the abutters.

**DISCUSSION:**

Upon hearing there was a possible failure to notify all abutters, the Commission inquired as to whether all of the abutters had been notified. Upon Mr. Dyka's admission that not all of the abutters had been notified, the Commission felt the Committee's decision should be declared null and void.

**FINDINGS:**

The Commission made the following Findings of Fact:

1. That not all abutters to the applicants' property were notified of the public hearing with regard to the applicants' application. 5-0-1.
2. That the appeal be allowed and that the decision of the Barnstable Committee be declared null and void, due to the failure to notify all abutters. 5-0-1.

**DETERMINATION:**

As to Appeal #98-08, the appeal is allowed.

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

Marian Reilly  
Chair