

Linda Shea

v.

Decision #98-18

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

On Tuesday, August 4, 1998, the Commission held a hearing on Appeal #98-18 filed by Linda Shea, seeking review of a decision by the Barnstable Historic District Committee issuing a Certificate of Appropriateness to Robert P. Dyka and Kerry J. Dyka for a barn and fence to be located at 30 Tally Ho Road, Barnstable, Massachusetts.

Present were Edward Molans, Barnstable; William Quinn, Orleans; Elizabeth Wilcox, Dennis; Roy Robinson, Brewster; Marian Reilly, Sandwich; David Moeller, Yarmouth; Robert G. Brown, Commission Counsel; Linda Shea, Appellant; and Robert and Kerry Dyka, Applicant.

The Committee's decision was filed with the Town Clerk on July 9, 1998. The appeal was entered with the Commission on July 17, 1998 within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Linda Shea, Appellant, addressed the Commission on behalf of her appeal. She claimed that the proposed barn and fence were inappropriate for their location and were not appropriate or compatible with the neighborhood.

THE APPLICANT'S PRESENTATION:

Robert Dyka claimed that the proposed barn and fence were appropriate for the lot and requested that the decision of the Barnstable Committee be upheld by the Regional Commission.

THE COMMITTEE'S PRESENTATION:

Edward Molans, representing the Barnstable Committee, explained the Barnstable Committee approved the permit because they found the proposal to be reasonable for the location and not incongruous to the purposes of the Act or the neighborhood.

DISCUSSION:

In discussion among Commission members it was felt that the Barnstable Committee was not erroneous and the Commissioners determined that the Barnstable Town Committee acted properly in its approval of the application.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the Barnstable Committee did not exercise poor judgment or error in approving the Applicant's request for a Certificate of Appropriateness. (4-0-1)
2. The Barnstable Town Committee did not act in an arbitrary or capricious manner in granting the Certificate of Appropriateness. (4-0-1)

DETERMINATION:

As to Appeal #98-18, the appeal is denied. (4-0-1)

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