

BEVERLY CARNEY

v.

Decision #99-21

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

On Tuesday, December 7, 1999 the Commission held a hearing on Appeal #99-21 filed by Beverly Carney, seeking review of a decision by the Orleans Historic District Committee allowing a Certificate of Appropriateness to the Town of Orleans for a landscaping plan for property located at Opa's Way (off Bakers Pond Road), Orleans, Massachusetts.

Present were Edward Molans, Barnstable; Paul White, Sandwich; Elizabeth Wilcox, Dennis; Polly McGrory, Yarmouth; Roy Robinson, Brewster; William Quinn, Orleans; Robert G. Brown, Commission Counsel; Michael Ford, Attorney for the Town of Orleans; and Beverly Carney, Appellant.

The Committee's decision was filed with the Town Clerk on November 5, 1999. The appeal was entered with the Commission on November 15, 1999, within the 10 day appeal period.

As the appeal arose from the town of the Chair, the Vice-Chair presided over the hearing.

THE APPELLANT'S PRESENTATION:

Beverly Carney, Appellant addressed the Commission in favor of the appeal. She admitted she was not an abutter of the project but was a nearby resident. Commission Counsel opined that, based on the decision in the matter of Ungermann v. Old King's Highway Regional Historic District Commission, Barnstable District Court, Docket #90-1802, the Appellant lacked standing to pursue the matter before the Commission as she was not a direct abutter of the project.

DISCUSSION:

In discussion among Commission members a majority of the Commissioners agreed to defer to the opinion of the Commission Counsel.

FINDINGS:

The Commission voted as follows:

1. That the Orleans Committee did not act in an arbitrary, capricious or erroneous manner in allowing the Applicant's (Town of Orleans) application for a Certificate of Appropriateness. 4-0-2.
2. The Appellant lacks standing to pursue this matter before the Commission as she is not a direct abutter to the property in question.
3. That the appeal be denied.

DETERMINATION:

As to Appeal #99-21, 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 Orleans Town Clerk.

Elizabeth

Wilcox

Vice-Chair