

Old King's Highway Regional Historic District Commission
P.O. Box 2187, Hyannis, Mass. 02601

Telephone 508-778-5793



ALAN TABER AND LOLA TABER

v.

Decision #93-10

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

On Tuesday, June 22, 1993 the Commission held a hearing on Appeal #93-10 filed by Alan Taber and Lola Taber seeking review of a decision by the Orleans Historic District Committee which had approved a Certificate of Appropriateness to the Community of Jesus, Inc., for a new building to be located at Rock Harbor, Orleans, Massachusetts.

Present were Pat Rothermel, Dennis; Patricia Bush, Brewster; Peter Freeman, Barnstable; David Moeller, Yarmouth; Christopher Miner, Orleans; Steve Carmel, Sandwich; Robert G. Brown, Commission Counsel; Alan Taber and Lola Taber, Appellants; Christopher Kanaga, and Richard Laraja, Attorneys for the Applicant; and many interested members of the public.

The Committee's decision had been filed with the Town Clerk on May 25, 1993, and the appeal entered with the Commission on June 1, 1993, within the 10 day appeal period.

Prior to to start of the hearing, Christopher Miner relinquished the Chair to Peter Freeman who presided over the hearing.

THE APPELLANT'S PRESENTATION:

Alan Taber, Appellant, addressed the Commission in favor of the appeal. He stated that the proposed church will be a tremendously large building and will cause clutter. He stated that there is no valid proof that any real hardship would be created by the denial of the application. He said that the project will have far reaching effects as there is

no other building in the District which is like it. He read a letter from Marian P. Gibbons in favor of the appeal and presented the Commission with a list of individuals who were in favor of the appeal and not in favor of the project. He asked that the appeal be allowed.

THE COMMITTEE'S PRESENTATION:

Christopher Miner, representing the Orleans Committee, addressed the Commission to explain the Orleans Committee's reasons for approval. He distributed the minutes of the Orleans Committee's meetings of May 6, 1993 and May 20, 1993 along with a copy of the decision. He stated that the Committee had given the matter very careful consideration over two nights of hearings. He stated that the Orleans Committee had received 12 letters in support of the project and no letters in opposition to the project. He stated that in 1991 the Orleans Committee had denied an earlier application because it was felt that the earlier application would overwhelm Rock Harbor. He said that this application addressed the concerns of the Committee and, after much discussion, the Orleans Committee felt it was appropriate.

DISCUSSION:

Christopher W. Kanaga, attorney for the Applicant, addressed the Commission in opposition to the appeal. He displayed an aerial photo of the project and stated that the project had been moved 50 feet and was now 250 feet from a public way. He also displayed computer generated visuals showing views from the parking lot, from 1/4 mile away and from 1/2 mile away from the project. He discussed the standard of review of the Regional Commission and the standard of reversal. He stated that, considering those standards, the Orleans Committee was neither arbitrary, capricious or erroneous in its decision and the appeal should be denied.

Many members of the public addressed the Commission to comment on the appeal. Those speaking in favor of the appeal stated that the project was totally inappropriate to the District in general and Rock Harbor in particular. Those speaking against the appeal stated that would be a beautiful addition to the area.

FINDINGS:

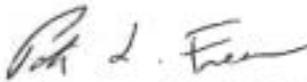
The Commission made the following Findings of Fact:

1. That the Orleans Committee did not act in an arbitrary, capricious or erroneous manner in approving the Applicant's application. 3-0-3.

DETERMINATION:

Based on the above findings, the appeal is denied and the determination of the Orleans Historic District Committee is affirmed.

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.


Peter L. Freeman
Vice-Chairman