

Old King's Highway Regional Historic District Commission CLERK  
P.O. Box 2187, Hyannis, Mass. 02601 Telephone 508-775-5793 BARNSTABLE, MASS.

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MR. & MRS. HENRY CASEY

v.

Decision #93-5

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

On Tuesday, April 13, 1993 the Commission held a hearing on Appeal #93-5 filed by Mr. & Mrs. Henry Casey seeking review of a decision by the Barnstable Historic District Committee which had denied a Certificate of Appropriateness for alterations to a structure located at 28 Otter Lane, Cummaquid, Massachusetts.

Present were Christopher Miner, Orleans; Pat Rothermel, Dennis; Janet Francis, Brewster; Peter Freeman, Barnstable; Steve Carmel, Sandwich; Robert G. Brown, Commission Counsel; and William Swift, Agent for the Appellants.

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

THE APPELLANT'S PRESENTATION:

William Swift, Agent for the Appellants, addressed the Commission in favor of the appeal. He displayed drawings of the design that was disapproved as well as a design of the house as it exists now. He said that the only issue is the placement of two windows. He stated that the house is at the end of a dead end street and is not visible from any other public or private way. None of the neighbors object and the Caseys have various internal and external reasons for wanting the original application approved.

THE COMMITTEE'S PRESENTATION:

Peter Freeman, representing the Barnstable Committee, addressed the Commission to explain the Barnstable Committee's reasons for denial. He distributed the minutes of the meeting and the decision of the Barnstable Committee. He stated that he was not at the meeting and said that he was not sure that the placement of the windows was such a great concern.

DISCUSSION:

In general discussion, members of the Commission felt that the Barnstable Committee's decision was not based on any guiding principle and that the application should have been approved as it was submitted.

FINDINGS:

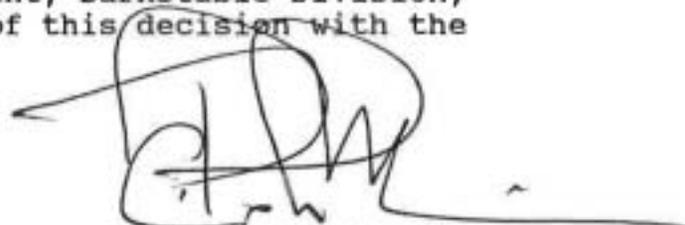
The Commission made the following Findings of Fact:

1. That the Barnstable Committee did act in an erroneous manner in denying the Appellant's Certificate of Appropriateness. 3-1-1.

DETERMINATION:

Based on the above findings the appeal was allowed and a Superceding Certificate of Appropriateness will issue, approving the application as originally applied for. 3-1-1.

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.

A handwritten signature in black ink, appearing to be 'C. R. Miner', with a long horizontal line extending to the right.

Christopher R. Miner  
Chairman