



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

LOIS MELLEN

v.

Decision #93-9

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

BREWSTER TOWN CLERK  
93 AUG 17 AM 10:17

On Tuesday, June 22, 1993 the Commission held a hearing on Appeal #93-9 filed by Lois Mellen seeking review of a decision by the Brewster Historic District Committee which had denied a Certificate of Appropriateness for the construction of a detached garage to be located at 172 Tubman Road, Brewster, 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; William Shanahan, Agent for the Appellant; 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.

THE APPELLANT'S PRESENTATION:

William Shanahan, Agent for the Appellant, addressed the Commission in favor of the appeal. He stated that an application had been approved for a single car garage to be located at the site. He stated that original location was unsuitable due to the shape of the lot and the septic system. He stated that the garage would be the same design and the area would be landscaped. He questioned how the Committee could use the location on the lot as a reason to deny a Certificate of Appropriateness.

THE COMMITTEE'S PRESENTATION:

Patricia Bush, representing the Brewster Committee, addressed the Commission to explain the Brewster Committee's reasons for denial. She stated that the builder member of the Brewster Committee felt that the garage would fit in its original location. She said there was not an issue of hardship as there would be no problem in placing the garage in its original location and restoring the area that had been disturbed.

**DISCUSSION:**

In general discussion, Marie Sherman, a resident of Tubman Road, stated that she had never been notified of either the original or the amended plan, despite the fact that she is an abutter and should have received notice. She said there had been no regard for either the Scenic Road Act or the Shade Tree Act. She said there would be not hardship to the Appellant as there was plenty of room on the original site.

Robert Sherman, also a a resident of Tubman Road and an abutter, addressed the Commission in opposition to the Appeal. He stated that the Scenic Road Act should have been followed and there was no reason to move the garage.

**FINDINGS:**

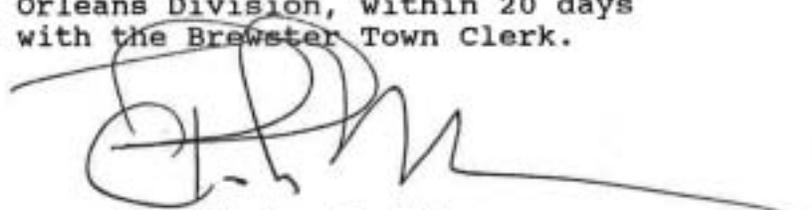
The Commission made the following Findings of Fact:

1. That the Brewster Committee did not act in an arbitrary, capricious or erroneous manner in denying the Appellant's application. 5-0-1

**DETERMINATION:**

Based on the above findings, the appeal is denied. 5-0-1

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 Brewster Town Clerk.



Christopher R. Miner  
Chairman