

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

JAMES W. STATHOPOULOS

v.

Decision #95-8(a)(b)

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

On Tuesday, August 22, 1995 the Commission held a combined hearing on Appeals #95-8(a)(b) filed by James W. Stathopoulos, seeking review of decisions by the Sandwich Historic District Committee which had denied a Certificate of Appropriateness and a Certificate of Exemption with regard to property located at 50 Old Mill Road, East Sandwich, Massachusetts.

Present were Christopher R. Miner, Orleans; Peter L. Freeman, Barnstable; Roy Robinson, Brewster; Robert Terrill, Sandwich; Robert G. Brown, Commission Counsel; and James W. Stathopoulos, Appellant.

The Committee's decision with regard to the Certificate of Appropriateness had been filed on July 13, 1995. There was no record of a filing with regard to the decision on the Certificate of Exemption. Both appeals were entered with the Commission on July 25, 1995.

THE APPELLANTS' PRESENTATION:

James W. Stathopolous addressed the Commission in favor of the appeals. He stated that the proposed construction will be on a 16 acre lot abutting Route 6. He displayed a plan of the area for the Commission members to review. He stated that none of the construction will be visible from a public way within the District. Further, he stated that he had never received any notice of a decision with regard to the application for a Certificate of Exemption and that a decision had apparently never been filed with the Town Clerk.

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THE COMMITTEE'S PRESENTATION:

Robert Terrill, representing the Sandwich Committee, addressed the Commission to explain the Sandwich Committee's reasons for denial. He said that this is a very historic area of Sandwich. He said that the Appellant had listed on his list of abutters a concerned citizen who has since sold the property.

DISCUSSION:

In discussion among Commission members it was agreed that none of the construction would be visible from a public way and the project would be eligible for a Certificate of Exemption. In that no decision on the Appellants' Certificate of Exemption had been recorded with the Town Clerk within 45 days as provided by Statute the Certificate of Exemption has been approved by operation of law.

FINDINGS:

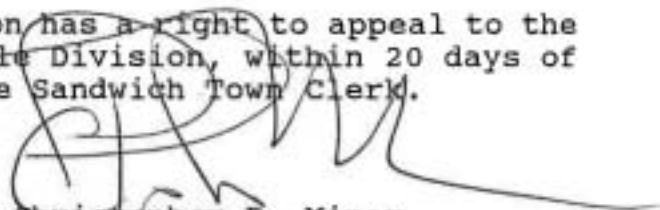
The Commission made the following Findings of Fact:

1. That the proposed project would not be visible from a public way within the District;
2. That by failing to record a decision with regard to the Appellant's Application for a Certificate of Exemption within 45 days as called for by St. 1973, c. 470 as amended, the Certificate of Exemption was to be considered as issued by operation of law.

DETERMINATION:

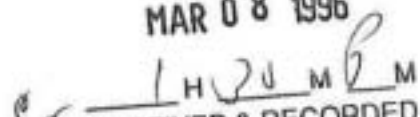
Based on the above findings, the appeal is allowed.

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 Sandwich Town Clerk.


Christopher R. Miner
Chairman

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