



Old King's Highway Regional Historic District Commission  
First District Courthouse, Barnstable, Mass. 02630 Telephone: 617-362-4092

JOHN ROBERTSON

Appellant

VS.

DECISION  
Case No. 82-9

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

On December 7, 1982, the Commission held a hearing on an appeal filed by John Robertson to a decision by the Sandwich Historic District Committee in which the Committee had denied a Certificate of Appropriateness for the construction of a 7' 6" foundation on property located at Foster Road, East Sandwich, Massachusetts.

Present were: Mr. Ivers, Brewster, Mr. MacSwan, Barnstable, Mr. Long, Yarmouth, Mr. Brown, Orleans, Mr. Sutton, Sandwich and Attorney Wilson, Commission counsel. Also present were Mr. Robertson, the applicant, Attorney Robert J. Donahue, applicant's counsel, Mr. Cunningham, builder and various members from the Sandwich Committee.

The decision of the Sandwich Committee was filed on November 12, 1982, and the appeal entered with the Commission on November 19, 1982, within the ten days appeal period.

Attorney Donahue addressed the Commission by reviewing the history of the pending application and indicated that the matter had been before the local Board of Appeals for set-back variances which were granted. He indicated that the lot was very narrow due to the improper location of the road that passed over the front of the lot. He further indicated that he did not get a clear statement of the reasons for the denial of the Certificate and felt that the Committee had been arbitrary and capricious in not finally approving the project. He further indicated that the Committee had already approved the house plan and he felt that his applicant had done everything within reason to accommodate the local Committee.

Mr. Sutton who indicated that he owned property in the neighborhood declined to sit on the hearing and excused himself from the table stating that Mr. White would present the Sandwich Committee's position.



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Mr. White stated that the Committee never received a full and proper plan of the proposed banking that was to be placed in front of the foundation and that his Committee was not objecting to the foundation but only to the landscaping plans for the 15 feet between the road and the foundation.

Mr. Ferro, a member of the Sandwich Committee, addressed the Commission stating that the application could be approved if a landscape architect's plan were presented that would solve the aesthetic problems of the high bank between the road and the foundation.

After lengthy discussion by the Commission, the following findings and determinations were adopted:

1. That the local Committee was not arbitrary or capricious or in error in denying the Certificate of Appropriateness.
2. That the applicant should re-apply to the local committee with a suitable landscape architect's plan addressing the aesthetic needs of the banking.

THEREFORE, the decision of the local Committee denying a Certificate of Appropriateness is affirmed.

The parties are advised that this decision may be appealed to the Barnstable District Court by filing an appeal within 20 days of the entry of this decision in the records of the Sandwich Town Clerk.

Respectfully submitted

  
Harris H. Ivers, Chairman

Date: December 9, 1982

