



Old King's Highway Regional Historic District Commission
P.O. Box 279, Hyannis Mass. 02601
Telephone: 617-775-1766

LOIS AND MICHAEL SCHUSTER

v.

Decision #86-24

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

On Tuesday, January 6, 1987 the Commission held a hearing on Appeal #86-24 filed by Lois and Michael Schuster seeking review of a decision by the Sandwich Historic District Committee which had denied a Certificate of Appropriateness for the alteration of a building located at #6 Cape Shore Village, North Shore Blvd., East Sandwich, Massachusetts.

Present were Anne Stout, Dennis; Allen Abrahamson, Sandwich; Milton Smith, Yarmouth; Michael Shay, Brewster; Peter Freeman, Barnstable; Robert G. Brown, Commission Counsel; Mr. Schuster, Applicant; and various members of the public.

The Committee's decision had been filed with the Town Clerk on December 1, 1986, and the appeal entered with the Commission on December 5, 1986 within the ten day appeal period.

Mr. Schuster addressed the Commission and distributed a plan of the neighborhood and an aerial photograph of the neighborhood. He explained that the area, which dated from about 1938, was once a motel and that for the past sixteen years the individual cottages had been owned as condominium units. He explained that his plans included an expansion of the porch to run the full width of the cottage and that a dormer would be added. He stated that the plans for his unit, which he identified as Unit K on the plan, were nearly identical to the plans submitted for Unit H which had been drawn by the same contractor and approved by the Sandwich Committee in June. He further stated that the unit in question was not unique, that there were several others in the general area, and that the cottages themselves had no historical value. He pointed out that the plans had been submitted to the condominium owners association which had approved the plans by a 13-3 vote. He felt that the crux of his argument was that it was arbitrary and capricious for the Sandwich Committee to approve a very similar plan only three houses away and then disapprove his plans.

Allen Abrahamson, representing the Sandwich Committee, addressed the Commission to explain the Sandwich Committee's reasons for denial. He stated that the entire Committee felt that the earlier approval granted in the neighborhood was a

mistake made by a committee of different composition and that it was a mistake that should not be perpetuated. He stated that the area was visible from the beach area and from a section of Route 6A. He also stated that the Sandwich Committee felt that while the cottage colony was not old, it and other cottage colonies have a unique architectural heritage that deserves protection.

After lengthy discussion, the Commission made the following determination.

1. That the Sandwich Committee acted in an arbitray, capricious and erroneous manner in denying the Applicant's Certificate of Appropriateness. (3-1-1)

Therefore, the decision of the Sandwich Committee is hereby annulled and a Certificate of Appropriateness is hereby issued for construction of the house in accordance with the plans on file with the Sandwich Committee and the Commission.

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.

Anne Stout (v)

Anne Stout
Chairman

