

FRANK C. THIBEAULT, JR.

v.

Decision #2000-11

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

On Tuesday, July 11, 2000 the Commission held a hearing on Appeal #2000-11 filed by Frank C. Thibeault, Jr., seeking review of a decision by the Sandwich Historic District Committee allowing Certificates of Demolition and Appropriateness to Richard and Pam DeVellis, with regard to buildings located at 5 Jarves Street Extension and 7 Jarves Street Extension, Sandwich, Massachusetts.

Present were Dorothy Stahley, Barnstable; Jonathan Shaw, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Robert G. Brown, Commission Counsel; Frank C. Thibeault, Jr., Appellant, Donald Mason, Esquire, Attorney for the Appellant; and Richard and Pam DeVellis, Applicants.

The Committee's decision was filed with the Town Clerk on June 16, 2000. The appeal was entered with the Commission on June 26, 2000, within the 10 day appeal period.

THE APPELLANTS' PRESENTATION:

Donald Mason, Attorney for the Appellant, addressed the Commission in favor of the appeal. He said his client is the direct abutter of the Applicants and said his client had no problem with the approval of the Certificate of Demolition as his client recognized the problem the Applicants had with that building. His client did object to the approval of the Certificate of Appropriateness. He described the area as one of the more historic areas on Cape Cod and said any application in this area should receive considerable scrutiny by the Committee. The approval to enlarge the existing house will overburden the historic area and once the area is changed it is the beginning of the end. The house itself is aesthetically pleasing but it is just too large. He asked that the matter be remanded to the Sandwich Committee to scale down the plans.

THE COMMITTEE'S PRESENTATION:

Jonathan Shaw, representing the Sandwich Committee, addressed the Commission in opposition to the appeal. He recounted the procedural history of the application and pointed out that the Applicants met with the Committee three times to review the plans. Changes were made in the size, roof pitch and dormer. The Committee is very strict in holding the Applicants to a particular standard and the ultimate approval was unanimous. There is nothing remaining of the factory area and it is historic only in memory. The Committee thought the impact of the proposed house on the historic area would be negligible.

DISCUSSION:

In discussion among Commission members there was a general consensus that great deference should be paid to the decisions of the local committees and that, in this instance, there was no evidence that the Sandwich Committee had acted in an arbitrary, capricious or erroneous manner in denying the application.

FINDINGS:

The Commission voted as follows:

1. That the Sandwich Committee did not act in an arbitrary, capricious or erroneous manner in denying the Appellants' application for a Certificate of Appropriateness. 3-0-1.
2. That the appeal be denied.

DETERMINATION:

As to Appeal #2000-11 the appeal is denied.

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.

Roy Robinson
Chairman