

JONATHAN A. SHAW & Others,

v.

Decision #2000-13

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

On Tuesday, August 15, 2000 the Commission held a hearing on Appeal #2000-13 filed by Jonathan A. Shaw & Others, seeking review of a decision by the Sandwich Historic District Committee allowing a Certificate of Appropriateness to the Sandwich Historical Society for the construction of a new building to be located at 129 Main Street, Sandwich, Massachusetts.

Present were Dorothy Stahley, Barnstable; Betty Allen, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Elizabeth Wilcox, Dennis; Robert G. Brown, Commission Counsel; Jonathan A. Shaw, Appellant; Bruce Courson, Agent for the Applicant; and Jonathan Fitch, Attorney for the Applicant.

The Committee's decision was filed with the Town Clerk on June 29, 2000. The appeal was entered with the Commission on July 7, 2000, within the 10 day appeal period.

The Commission originally convened in this matter on August 1, 2000. At that time, arguments were presented by the Applicant that the Appellants did not have proper standing to take an appeal to the Commission. The Commission recessed the hearing until August 15, 2000 to consider the matter. At the meeting of August 15, 2000, the Commission voted to not consider the issue of standing and proceed with the appeal. 4-0-1.

THE APPELLANT'S PRESENTATION:

Jonathan A. Shaw, Appellant, addressed the Commission in favor of the appeal. Using photographs, he described Town Hall Square in Sandwich as having many historic buildings. He described the current Sandwich Glass Museum as the touchstone of how a building is preserved over time. He described the application to the Applicant as not being in character with the surrounding area and

asked that the Commission reverse the decision of the Sandwich Committee.

THE COMMITTEE'S PRESENTATION:

Betty Allen, representing the Sandwich Committee, addressed the Commission in opposition to the appeal. She said the Committee had met several times with Applicant and there were many changes made to the Application. There are several brick buildings within a ¼ mile of this location and the building will not be out of character with the area.

DISCUSSION:

In general discussion, Jonathan Fitch, Attorney for the Applicant, addressed the Commission in opposition to the appeal. He said there was no evidence presented that anyone was arbitrary, made an error or used poor judgment. The Act does not disallow or restrict you to ideas that are already there. Town Hall Square reflects both architectural and use diversity. What we have here is merely a difference of opinion.

Bruce Courson, Agent for the Applicant, addressed the Commission in opposition to the appeal. He said the purpose of the Sandwich Historical Society is to promote the town's history. The application they have submitted is a faithful reproduction of the town's history. He displayed pictures of the old glass factory and also showed pictures of Town Hall Square as it looked in earlier days. Only 32% of the addition will be brick and that will be towards the back of the building.

In other general discussion, various persons spoke in favor of the appeal, claiming the application will not be in harmony with the surroundings.

In discussion among Commission members there was a consensus that there was no evidence presented that the Sandwich Committee had acted in an arbitrary, capricious or erroneous manner or had used poor judgment. As such, the decision of the Sandwich Committee should be upheld.

FINDINGS:

The Commission voted as follows:

1. That the Sandwich Committee did not act in an arbitrary, capricious or erroneous manner, nor used poor judgment, in approving the Applicant's application.
2. That the appeal be denied.

DETERMINATION:

As to Appeal #2000-13 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