

FARRELL FIRST NOMINEE TRUST

v.

Decision #2000-21

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

On Tuesday, December 5, 2000 the Commission held a hearing on Appeal #2000-21 filed by Farrell First Nominee Trust, seeking review of a decision by the Sandwich Historic District Committee denying a Certificate of Appropriateness for vinyl siding for a building located on Tupper Avenue, Sandwich, Massachusetts.

Present were Dorothy Stahley, Barnstable; Jonathan Shaw, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Elizabeth Wilcox, Dennis; Robert G. Brown, Commission Counsel; and Daniel Farrell, Trustee of Farrell First Nominee Trust, Appellant.

The Committee's decision was filed with the Town Clerk on September 29, 2000. The appeal was entered with the Commission on September 30, 2000, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Daniel Farrell addressed the Commission in favor of the appeal. He said the reason for the appeal was the denial of his application for vinyl siding. He displayed a sample of the siding he plans to use as well as a sample of one of the trim colors planned. He said there was an objection to the two trim colors and two styles of vinyl as well as concerns over ventilation. He said the house is near the water and keeping the house painted is very difficult. The street he lives on is .2 of a mile long and there are 11 houses in the neighborhood with vinyl siding. He asked that the Committee's decision be reversed.

THE COMMITTEE'S PRESENTATION:

Paul White, representing the Sandwich Committee, addressed the Commission in opposition to the appeal. He said this neighborhood is unusual because it was one of the first subdivisions on Cape Cod. Also, he said that at one time there was a proposal to exempt

this area from the provisions of the Historic District Act but the residents of the area were opposed to the idea. He distributed guidelines for this area which show that the Sandwich Committee does encourage the use of wood trim and weathered shingles. He said the Committee was troubled by the mix of various types and styles of vinyl siding. He did not deny that there were other homes with vinyl in the area, but pointed out that there had been other homes in the area discovered to have vinyl in place without approval from the Committee.

DISCUSSION:

In discussion among Commission members there was a consensus that the Appellants and the Sandwich Committee that there were alternative remedies to this application that had not been pursued by either the Appellant or the Sandwich Committee and that the matter could be remanded to the Sandwich Committee for a possible solution.

FINDINGS:

The Commission voted as follows:

1. That the decision is annulled and the matter is remanded to the Sandwich Town Committee for further review and action. 3-0-1.

DETERMINATION:

As to Appeal #2000-21 the decision is annulled and the matter is remanded to the Sandwich Town Committee.

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