

CAPTAIN ELLIS CONDOMINIUM ASSOCIATION

v.

Decision #2001-08

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

On Tuesday, May 8, 2001 the Commission held a hearing on Appeal #2001-08 filed by the Captain Ellis Condominium Association, seeking review of a decision by the Sandwich Historic District Committee denying a Certificate of Appropriateness for alterations to buildings located at 114 Tupper Road, 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 Kevin Kirrane, Attorney for the Appellant.

The Committee's decision was filed with the Town Clerk on April 11, 2001. The appeal was entered with the Commission on April 20, 2001, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Kevin Kirrane, addressed the Commission in favor of the appeal. He said the condominium association needs to replace roofs on four buildings and they wish to replace the entire roofs with architectural grade cedar shingles. He distributed pictures of the area and of the units in question. He said the Sandwich Committee had granted permission for others and this application would be compatible with others in the area. Attorney Kirrane said there would be a definite financial hardship in having to install a wood cedar shingle roof.

THE COMMITTEE'S PRESENTATION:

Jonathan Shaw, representing the Sandwich Committee, addressed the Commission in opposition to the appeal. He said the guidelines for the village historic district area are strict and cedar shingles were encouraged and asphalt shingles were not. The buildings

themselves were not old but they were in a very sensitive area of the District. There are over 60 wood roofs in the area and the Committee policy is to retain wood roofs. There was no supporting data for the claim of financial hardship.

DISCUSSION:

In discussion among Commission members there was a consensus that there was insufficient evidence before them to reverse the decision of the Sandwich Committee.

FINDINGS:

The Commission found as follows:

1. That the Sandwich Committee did not act in an arbitrary, capricious, or erroneous manner in denying Appellant's application. 3-1-1.
2. That the appeal be denied. 3-1-1.

DETERMINATION:

As to Appeal #2001-08 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.

Dorothy Stahley
Chairman