

**OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT
COMMISSION**

P.O. Box 140, Barnstable, Massachusetts 02630-0140
Tel: 508-775-1766 FAX 508-775-9248

TOWN CLERK
TOWN OF SANDWICH

NOV 13 2001

Donald J. Long

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V.

Decision #2001-16

**Old King's Highway Regional Historic
District Committee For the Town of
Sandwich**

On Tuesday, November 6, 2001 the Commission held a hearing on Appeal #2001-16 filed by Donald J. Long, seeking review of a decision by the Sandwich Historic District Committee denying a Certificate of Appropriateness for changing from wooden roof shingles to asphalt shingles on property located at 8 Academy Road, Sandwich, Massachusetts.

Present were Jeffery Wilson, Barnstable; Paul White, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Barry Crowell, Dennis; James R. Wilson, Acting Commission Counsel; and Mr. & Mrs. Donald J. Long, Applicants with their attorney Jonathan D. Fitch of Sandwich.

The Committee's decision was filed with the Town Clerk on October 12, 2001. The appeal was entered with the Commission on October 16, 2001, within the 10 day appeal period.

The Appellant's Presentation:

Attorney Jonathan D. Fitch of Sandwich addressed the Commission on behalf of the applicant and stated that the subject house was fourteen (14) years old and located on a dead end street. He indicated that the setting was not significantly historic. He stated that while the neighboring houses had wooden shingled roofs, there are also asphalt shingled roofs located nearby. He stated that Mr. Long had examined the records of the local town Committee and found that it had approved approximately twenty-four (24) changes from wood to asphalt shingles during the passed three (3) years.

He showed the Commissioners pictures of many approved asphalt shingled roofs and argued that the local committee was being arbitrary in denying applicant's request.

He requested that the determination of the Town Committee be reversed and that a Certificate of Appropriateness for the change from wood to asphalt shingles be issued by the Commission.

Mr. J.Thwaites, a neighbor residing at 14 Academy Road, stated that he did not object to the change from wood to asphalt shingles.

The Committee's Presentation:

Paul White, representing the Sandwich Committee, addressed the Commission and requested that the written statement of denial be reviewed. He stated that the town Committee had visited and walked the site many times. He indicated that the Committee had carefully examined the application and the setting of the proposed change in roofing material. He indicated that the committee made the following findings. "There was no substantial hardship; the house was part of a development consisting entirely of houses with cedar roofs; the house is contiguous to the center of the most historic area in the Town of Sandwich; the material and texture and visual character of a cedar roof in such a setting is appropriate and conforming and that a change to the texture and material and visual character of an asphalt roof would be less conforming and inappropriate."

He acknowledged that the town committee had approved a change from wood to asphalt shingles in other requests. He defended the committee's action by pointing out that each application is unique and must be reviewed on its own merits in accordance with the factors set forth in Section 10 of the Act.

Discussion:

Jeffery Wilson, Barnstable member, and Deborah Gray, Yarmouth member, indicated that they had viewed the property. Roy Robinson, Brewster member, and Brady Crowell, Dennis member, indicated that they felt that Attorney Fitch had made a complete presentation of the facts presented in the applicant's appeal.

The Commissioner's examined pictures and plans of the area. They discussed the difference between wood and asphalt roofing material. They reviewed the findings and determination by the local town committee. They reviewed the location of the proposed change and the visual impact of the proposed change. They noted the recent date of the construction of the subject dwelling and the other dwellings in the immediate neighborhood. They reviewed the factors of inappropriateness and the issue of hardship.

Findings:

The Commission found as follows:

That an examination of the setting for the proposed change in exterior architectural features presented to the Commission support the Committee's determination of visual and aesthetic incongruity.

That the change from wood to asphalt shingles in the proposed setting will cause an obviously incongruous change.

That the conditions especially affecting the denial of the applicant's request will not involve a unique and substantial hardship that would allow the approval of the application.

That the Committee did not exceed its authority or exercise poor judgment.

That the Committee was not arbitrary, capricious or erroneous in its action.

Determination:

As to Appeal #2001-16, the appeal is denied and the decision of the Sandwich Committee is affirmed.

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