

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

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**TOWN CLERK
TOWN OF SANDWICH**

Donald J. Long

V.

Decision #2002-4 MAY 24 2002

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

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RECEIVED & RECORDED

On Tuesday, May 21, 2002 the Commission held a hearing on Appeal #2002-4 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; Elizabeth Wilcox, Dennis; James R. Wilson, Acting Commission Counsel; and Applicant's Attorney Jonathan D. Fitch of Sandwich.

The Committee's decision was filed with the Town Clerk on April 16, 2002. The appeal was entered with the Commission on April 22, 2002, 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 sixteen (16) years old and located on a dead end street. He indicated that the Commissioners had viewed the sight. He stated that the setting was not significantly historic. He stated that there are 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 thirty (30) changes from wood to asphalt shingles during the passed three (3) years.

He pointed out that a Certificate of Exemption category had been created by the Commission and argued that the local committee was being arbitrary and erroneous in denying applicant's request.

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

The Committee's Presentation:

Paul White, representing the Sandwich Committee, addressed the Commission and 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:

All members indicated that they had viewed the property. Jeffery Wilson, Barnstable member, stated that he supported the Sandwich Committee's determination. Roy Robinson, Brewster member; Deborah Gray, Yarmouth member; and Elizabeth Wilcox, Dennis member; supported annulling the Sandwich Committee's denial and granting the Certificate of Appropriateness.

Findings:

The Commission found as follows:

That the Committee was erroneous in its action.

Determination:

As to Appeal #2002-4, the decision of the Sandwich Committee is annulled and a Certificate of Appropriateness for compatible *weather wood* architectural grade asphalt roof shingles is hereby issued to the Applicant. (Vote 3-1-1)

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