

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

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Walter Burke and Ellen Burke

V.

Decision #2003-5

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

On Tuesday, May 20, 2003 the Commission held a public hearing on Appeal #2003-5 filed by Walter Burke and Ellen Burke seeking reversal of a decision by the Sandwich Historic District Committee denying a Certificate of Appropriateness for additions and a detached garage for a dwelling located at 43 Jarves Street, Sandwich, Massachusetts.

Present were Jonathan Shaw, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Brad Crowell, Dennis; James R. Wilson, Commission Counsel, Walter & Ellen Burke, Appellant/applicants and their agent, Allen B. Osgood.

The Committee's decision was filed with the Town Clerk on April 24, 2003. The appeal was entered with the Commission on April 25, 2003, within the 10-day appeal period.

The Appellant's Presentation:

Allen B. Osgood addressed the Commission on behalf of the Appellant/Applicant and requested that the determination of the Town Committee be reversed and that the Commission issue a Certificate of Appropriateness for the proposed additions and detached garage. He submitted plans of the proposed additions and showed the Commissioners photographs of the area. He showed the Commissioners a scale model of the existing building and the proposed additions. He described the existing dwelling as a small Greek revival styled building that had been used for many purposes during its 150+ year existence. He stated that owners needed more space for their young family and that the design of the additions had been carefully drawn to maintain the character of the building and other buildings in the neighborhood. He indicated that other nearby buildings had undergone many changes in style and character over the years. He expressed the opinion that the majority of the Sandwich Committee members had shown poor judgment in not granting the requested Certificate of Appropriateness.

The Town Committee's Presentation:

Jonathan Shaw addressed the Commission on behalf of the Sandwich Town Committee. He indicated that the work that had been done by the owners to restore the existing building was greatly appreciated. He submitted a copy of the Sandwich Committee's

minutes in which a member stated the opinion that the proposed additions would cause the building to lose its historic integrity, significance and value. The member went on to express concern about the massive appearance of the proposed changes. Mr. Shaw expressed concern about the loss of Greek revival features. He pointed out that the plans, as submitted to his committee, omitted some of Greek revival features that the designer now expressed a willingness to reinstate. He also pointed out that the scale model was not present at the local committee's hearing. He acknowledged that the vote of his committee was split 3 to 2. He indicated that while he felt that his committee was correct in denying the application as presented, that a different result might have occurred, had his committee had more time to work with the applicants and their agent.

Discussion:

The members of the Commission reviewed the plans and the pictures that the applicant had shown to the Commission for the appeal hearing. The member's agreed that the plans as submitted to the Committee did give the building a massive appearance and that many of the significant Greek revival features would be lost if the design were approved as shown on the original plans that were presented to the local committee.

Findings:

The Commission found as follows:

That the design and style of the proposed building additions as presented to the local committee would create a significant visual and aesthetic incongruity for the building and its neighborhood.

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

That the Committee did not exceed its authority.

That the Committee did not make an error in denying the applicant's application for a Certificate of Appropriateness.

Determination:

As to Appeal #2003-5, the appeal is denied and decision of the Sandwich Committee is affirmed (2-0-2).

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