

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

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Yvonne Anderson, Appellant/Applicant

V.

Decision #2003-10

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

On Tuesday, October 7, 2003 at 7:45 P.M., the Commission held a hearing at the Fire Station Community Room, 340 Route 6A, Yarmouth Port, Massachusetts, on Appeal #2003-10 filed by Yvonne Anderson seeking reversal of a decision by the Sandwich Historic District Committee denying a Certificate of Appropriateness for the application of vinyl siding to a residence located at 8 Grove Street, Sandwich, Massachusetts.

Present were Jeffery Wilson, Barnstable; Jonathan Shaw, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Peter Lomenzo, Dennis; James R. Wilson, Commission Counsel; Yvonne Anderson and Thomas Cummings, for the appellant/applicant.

The Committee's decision was filed with the Town Clerk on September 11, 2003. The appeal was entered with the Commission on September 19, 2003, within the 10-day appeal period.

The Appellant's Presentation:

Yvonne Anderson addressed the Commission on behalf of her appeal and requested that the determination of the Town Committee be reversed and that the Commission issue Certificate of Appropriateness for the proposed application of vinyl clapboard siding over painted shingles on her dwelling. She stated that her appeal was based on the opinion that the Town Committee had acted in an arbitrary and/or capricious manner when it denied her request to place vinyl siding on the sides of her three hundred and ten year old dwelling. She acknowledged that her dwelling, which was once a tavern and had been constructed in 1693, had great historical significance. She argued that because other buildings within the District had been approved for synthetic siding, she should be given the same opportunity to place vinyl siding on her dwelling. She stated that painting her home had become very expensive and suggested that using vinyl siding would better preserve the appearance of the building. She expressed the opinion that replacing her painted shingles with vinyl clapboard would be a better choice than using unpainted natural weathered cedar shingles.

The Town Committee's Presentation:

Jonathan Shaw addressed the Commission on behalf of the Sandwich Town Committee. He stated that the Sandwich Committee did not exceed its authority but focused its consideration to the great "historical value and significance" of the building and its central location in the federally recognized "Town Hall Square Historic District." He indicated that the committee considered the "texture" and "material" of the proposed change from wood to vinyl and its relationship to the features of other buildings in the immediate neighborhood. He presented to the Commission a copy of the town committee's minutes and photographs of the subject property. He reported on the significant history of the building and its many references to the long and some times colorful relationship to the town's history. He distinguished the building and application from other vinyl siding applications that had been previously approved by the Sandwich Committee. He suggested that the personal financial hardship claimed by the applicant could be addressed by changing three sides of the building to natural cedar shingles.

He further pointed out that a change from wood to vinyl siding would be inconsistent with the federal preservation guidelines adopted by the Secretary of the Interior and many of the other historic districts located within Massachusetts. He expressed the opinion that the installation of vinyl clapboards over painted shingles would significantly change the historic character of the building.

Public Comment:

Thomas Cummings addressed the Commission and suggested that the Sandwich Committee should have support the applicant's efforts to preserve her home through the use of vinyl siding.

Discussion:

The members of the Commission reviewed a sample of the proposed vinyl siding, photographs and submissions by the appellant/applicant and Sandwich Committee. Many of the Commissioners indicated that they had visited the neighborhood.

Mr. Robinson stated that he lived in an old dwelling with painted shingles and that he had sympathy for the applicant's painting expenses. He indicated that the financial hardship claimed by the applicant is not unique to the applicant and that it would apply to many owners of old buildings located within the District. He expressed an opinion that he agreed with the suggestion that using natural unpainted cedar shingles on three sides of the building would be a more authentic solution to the applicant's financial needs.

Jeffery Wilson indicated the opinion that reasonable diligence had been done by the Sandwich Committee. He felt that in view of the significant historical value of the building and the careful review by the local committee that he would support the Committee's determination.

Deborah Gray stated that she felt that each application must reviewed on a "case by case" bases. She indicated that it appeared that the town committee had been diligent in its review of the proposed vinyl siding and that they had not been arbitrary, capricious, or erroneous in their action. She expressed the opinion that the she could not fault the Sandwich Committee for their decision.

Peter Lomenzo expressed concern about the absence of clear guidelines for the use of products, such as vinyl siding. He suggested that the Commission should establish clear lines of what will be allowed and materials that will not be allowed. He suggested that public would find it easier if things were more absolute and less vague.

The members reviewed the process set forth in Section 10 of the Act, which requires the Town Committees evaluate each application by considering the various factors identified in the Act. The Commissioners agreed that the Sandwich Committee had properly applied the process to the application.

The Commission found as follows:

That the Committee was not arbitrary, capricious or erroneous in its action of denying a certificate of appropriateness for the installation of vinyl clapboards over painted shingles on a home built in 1693.

That the Committee did not exceed its authority in denying a certificate of appropriateness for the installation of vinyl clapboards over painted shingles on a home built in 1693.

Determination:

As to Appeal #2003-10, the appeal is denied and decision of the Sandwich Committee is affirmed (4-0-1) in accordance with the findings set forth above.

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