

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

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Robert Ablondi, Appellant/Applicant

V.

Decision #2005-3

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

On Tuesday, July 5, 2005 at 7:45 P.M., the Commission held a hearing at the Fire Station Community Room, 340 Route 6A, Yarmouth Port, Massachusetts, on Appeal #2005-3 filed by Robert Ablondi seeking reversal of a decision by the Sandwich Historic District Committee denying a Certificate of Appropriateness covering the application of vinyl siding to all sides of a building located at 132 Route 6A, Sandwich, Massachusetts.

Present were Robert DeRoeck, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Patricia Anderson, Barnstable James R. Wilson, Commission Counsel; and Robert Ablondi, Appellant/Applicant.

The Committee's decision was filed with the Town Clerk on June 10, 2005. The appeal was entered with the Commission on June 18, 2005, within the 10-day appeal period.

The Appellant's Presentation:

Robert Ablondi addressed the Commission on behalf of his appeal. He requested that the determination of the Town Committee be reversed and that the Commission grant a Certificate of Appropriateness for the requested vinyl siding.

He presented photographs of the existing building. He acknowledged that the building was built in the 1830s and that it is located in a prominent location within the historic district.

He suggested that vinyl had improved in its quality and that other buildings located within the historic district had been allowed to use vinyl siding. He showed the Commissioners photographs of other nearby buildings that had been allowed to use vinyl siding.

He stated that the Town Committee had been arbitrary and capricious and exceeded its authority in its denial of the application. He indicated that he felt that it was not logical or proper that the Town Committee had denied his application when it had approved the use of vinyl for other buildings or even a portion of his building.

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He pointed out the close vote of the Town Committee and expressed the opinion that the Commission should consider the tie vote in its review.

The Town Committee's Presentation:

Robert DeRoeck addressed the Commission on behalf of the Sandwich Town Committee. He stated that the Town Committee was split and deadlocked by a 2-2-1 vote on the application. He indicated that the matter was deferred to a second meeting in an effort to see if a change or modification could be proposed to obtain an approval for the applicant.

He reported that he and the Committee's architect member had voted against the request to use vinyl on all four sides of the subject building. He indicated that he had expressed a willingness to approve the project if wood were retained in locations that were exposed to close pedestrian contact and visual observation. He stated that the applicant was unwilling to alter the proposal for the public pedestrian areas.

Public Comment:

Walter Sullivan of Sandwich stated that he felt that a property was a very important corner location and that it needed to be fixed up. He had no objection to the use of vinyl siding if it allowed the owner to improve the appearance of the location.

Louise Kola stated that she lived across the street from the subject property and that she had no objection to the use of the proposed vinyl siding.

Discussion:

The members of the Commission reviewed the photographs and items submitted during the hearing.

Roy Robinson stated that for many years the Brewster Town Committee has not approved vinyl on all four sides. He indicated that he felt that it was proper for a Town Committee to limit its use on historic buildings.

Patricia Anderson stated that she did not see where the Town Committee had acted improperly. She stated that in Barnstable, the Town Committee would only allow vinyl siding on new construction.

She indicated that this appears to be a very historic 1830s Greek revival style building and that the use of vinyl is, in her opinion, an inappropriate use of the material.

Deborah Gray stated that she felt that the Town Committee had carefully reviewed the application and that it did not act improperly.

She confirmed that the Yarmouth Town Committee generally does not approve the use of vinyl siding on historically significant buildings.

The Commission findings:

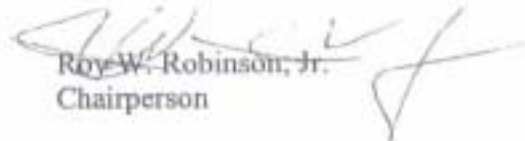
The Commission found as follows:

That the Committee was not arbitrary, capricious or erroneous in its action of denying a Certificate of Appropriateness for the proposed vinyl siding on the 1830s building as requested by the applicant.

Determination:

As to Appeal #2005-3, the appeal is denied and decision of the Sandwich Committee is affirmed (3-0-1) 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 W. Robinson, Jr.
Chairperson