

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

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**TOWN CLERK
TOWN OF SANDWICH**

OCT 03 2005

Mario S. Susi & Natalie J. Susi, Appellant/Applicant

Vs.

Decision #2005-6

4 H 20 M P MSJ
RECEIVED & RECORDED

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

On Tuesday, September 6, 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 #2005-6 filed by Mario S. Susi and Natalie J. Susi seeking reversal of a decision by the Sandwich Historic District Committee denying a Certificate of Appropriateness covering replacing an existing single story home with a two and a half story single family home at 31 Freeman Avenue, Sandwich, Massachusetts.

Present were Robert DeRocck, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Patricia Anderson, Barnstable; Peter Lomenzo, Dennis; James R. Wilson, Commission Counsel; Jane E. Estey, Attorney for the Appellant/Applicant; and Douglas P. Ulwick Architect for the Appellant/Applicant.

The Committee's decision was filed with the Town Clerk on July 28, 2005. The appeal was entered with the Commission on August 4, 2005, within the 10-day appeal period.

The Appellant's Presentation:

Attorney Jane E. Estey addressed the Commission on behalf of her client's appeal. She requested that the determination of the Town Committee be reversed and that the Commission grant a Certificate of Appropriateness for the requested construction of the two and one half story dwelling.

She described the proposed project as being three years in planning and permitting.

She indicated that the applicant followed the guidelines of the Town Committee and in good faith had negotiated with the Committee for a Certificate of Appropriateness. She indicated that the plans had been modified to comply with the Town Committee's requirements.

She reported that the property is located in a very regulated area and that delays in getting other necessary permits had caused the Certificate of Appropriateness to expire under Section 6 of the Act.

She claimed that it was arbitrary of the Town Committee to deny an application when a year earlier it had determined that the proposed structure was appropriate.

Mr. Ulwick stated that he felt that the building was appropriate for the neighborhood.

The Town Committee's Presentation:

Robert DeRoeck addressed the Commission on behalf of the Sandwich Town Committee.

He stated that if the applicant had come in a week sooner that the Town Committee would have approved an extension. He expressed sympathy for the owner's situation.

However he felt that the Committee had to judge the application under the standards of Section 10 and that under those standards the application was properly denied.

He stated that the view from the beach needed to be protected. He indicated that the Committee membership had changed and that the new members agreed with his opinion that the proposed dwelling should be denied.

He suggested that a lower one and half story building would be more acceptable to the Town Committee.

Public Comment:

Walter Mattson stated that he favored reversal and granting of the Certificate of Appropriateness. He indicated that he supported the applicant's application.

Discussion:

The members of the Commission reviewed the plans and photographs submitted for review during the hearing.

Deborah Gray stated that she felt that it was unfortunate that time had slipped by and that the Certificate had lapsed. She indicated that it was an error to have not approved the Application.

Peter Lomenzo stated that the applicant worked hard to follow the committee's guidelines and that it was an error to not follow the original approval.

Roy Robinson stated that he was in agreement with the opinion that the Certificate should have been issued.

Patricia Anderson stated that she felt that the Committee acted properly. She felt that the seaside neighborhood should be preserved and that the one-year rule set forth in Section 6 should be strictly enforced.

The Commission findings:

The Commission found as follows:

It was an error to deny the Application for the Certificate of Appropriateness.

The Town Committee's determination should be annulled.

The Application should be approved as filed.

Determination:

As to Appeal #2005-6, the decision of the Sandwich Committee is annulled and the Certificate of Appropriateness issued (3-1-1) 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