

KENNETH HUGHES

v.

Decision #96-4

**OLD KING'S HIGHWAY REGIONAL HISTORIC
DISTRICT COMMITTEE FOR THE TOWN OF
SANDWICH**

On Tuesday, July 30, 1996 the Commission held a hearing on Appeal #96-4 filed by Kenneth Hughes, seeking review of a decision by the Sandwich Historic District Committee which had denied a Certificate of Appropriateness for an addition to a building located at 2 Clayton Street, Sandwich, Massachusetts.

Present were Peter Freeman, Barnstable; Roy Robinson, Brewster; Marian Reilly, Sandwich; Chick Craig, Dennis; Robert Miller, Yarmouth; Robert G. Brown, Commission Counsel; and Kenneth Hughes, Appellant.

The Committee's decision was filed with the Town Clerk on July 11, 1996. The appeal was entered with the Commission on July 20, 1996 within the 10 day appeal period.

In the absence of the Chairman, the Vice-Chairman presided over the hearing.

THE APPELLANTS' PRESENTATION:

Kenneth Hughes, Appellant, addressed the Commission in favor of the appeal. He stated that the original design called for the placing of a second story on the building and it was approved. He then reapplied for a farmer's porch and a widow's walk and the application was approved as to the farmer's porch only. He stated that the widow's walk would not be seen from any public way displayed photographs of various sightlines showing that the widow's walk would be barely seen.

THE COMMITTEE'S PRESENTATION:

Marian Reilly, representing the Sandwich Committee, addressed the Commission to explain the Sandwich Committee's reasons for denial. She stated that she was not in attendance at the particular meeting from which this appeal arose, however, she read from statements of members Virginia Amidon and Kaethe Maguire who opposed and favored the project respectively. She stated that while she did not sit on this application, had she done so she would have voted to approve the application.

DISCUSSION:

In discussion among Commission members it was felt that the Sandwich Committee had not fully considered the lack of a public view and the fact that the sightlines prohibited any significant public view. Further, the majority of the Commission members present felt that the building was located in an eclectic neighborhood and that the proposed widow's walk would not detract from the rest of the area so long as it was painted the same color as the trim on the building.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the Sandwich Committee did act in an erroneous manner in denying the Applicant's application for a Certificate of Appropriateness. 3-1-1.
2. That the proposed widow's walk will not be of any significant visual impact from any public way or place so long as the widow's walk is painted the same color as the trim on the building. 3-1-1.

DETERMINATION:

Based on the above findings, the appeal is allowed, with the restriction that the widow's walk be painted the same color as the trim on the building.

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.

Peter L. Freeman
Vice-Chairman