

**KIM CROFT and PAULA WOOD**

**v.**

**Decision #99-3**

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

On Tuesday, April 6, 1999 the Commission held a hearing on Appeal #99-3 filed by Kim Croft and Paula Wood, seeking review of a decision by the Sandwich Historic District Committee denying a Certificate of Appropriateness for a sign to be located at Unit #10, 68 Tupper Road, Sandwich, Massachusetts.

Present were Edward Molans, Barnstable; Roy Robinson, Brewster; Paul White, Sandwich; Deborah Gray, Yarmouth; Robert G. Brown, Commission Counsel; and Kim Croft and Paula Wood, Appellants.

The Committee's decision was filed with the Town Clerk on February 10, 1999. The appeal was entered with the Commission on February 19, 1999 within the 10 day appeal period.

In the absence of the Chair and the Vice-Chair, the Commission members unanimously elected Edward Molans of Barnstable as Chair Pro Tem.

**THE APPELLANT'S PRESENTATION:**

Kim Croft and Paula Wood, Appellants, addressed the Commission in favor of the appeal. They displayed a copy of the sign and pictures of other signs in the Merchants Square complex. They said they felt the sign used historic colors and was in keeping with other signs in the area. They asked that the decision of the Sandwich Committee be reversed.

**THE COMMITTEE'S PRESENTATION:**

Paul White, representing the Sandwich Committee, explained the Barnstable Committee's reasons for denial. He said the application was denied on a tie vote (2-2) based on a Town of Sandwich By-Law regarding signs. He distributed a copy of the minutes of the meeting and a copy of the Town Bylaw involved. He did state, in answer to a question from Commission Counsel, that he felt the sign was inappropriate based solely on Old King's Highway standards.

**DISCUSSION:**

In discussion among Commission members, there was a general consensus that the Sandwich Committee erred in deciding an application based on a general town by-law rather than the criteria established in the Old King's Highway Act, Guidelines and Rules & Regulations.

**FINDINGS:**

The Commission voted as follows:

1. That the Sandwich Committee used poor judgment in basing its decision on a town by-law rather than the Statute, Guidelines and Rules & Regulations of the Old King's Highway Regional Historic District. 3-0-1.
2. That the appeal be allowed based on plans on file with the Sandwich Committee. 3-0-1.

**DETERMINATION:**

As to Appeal #99-3, the appeal is allowed.

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.

Edward Molans  
Chair Pro Tem