

ROBERT ASACK

v.

Decision #99-5

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

On Tuesday, May 11, 1999 the Commission held a hearing on Appeal #99-5 filed by Robert Asack, seeking review of a decision by the Sandwich Historic District Committee denying a Certificate of Appropriateness for alterations to a building located at 1-3 White Cap Path, Sandwich, Massachusetts.

Present were Edward Molans, Barnstable; Elizabeth Wilcox, Dennis; Marian Reilly, Sandwich; Deborah Gray, Yarmouth; Robert G. Brown, Commission Counsel; George Asack, Counsel for the Appellant; Robert Asack, Appellant; and several interested members of the public.

The Committee's decision was filed with the Town Clerk on April 14, 1999. The appeal was entered with the Commission on April 16, 1999 within the 10 day appeal period.

As the appeal arose from the Chair's Committee, the Vice-Chair presided over the hearing.

THE APPELLANT'S PRESENTATION:

George Asack, Counsel for the Appellant, addressed the Commission in favor of the appeal. He described the house as being an A-frame design with no dormer. What the client is asking for is a shed dormer which is not a full story but rather a half story. There are many other homes in the area having the same features as the Appellant's house and he is not trying to impose an unreasonable standard. He distributed photos of other houses in the area and said the proposed design would be architecturally pleasing and that a significant effort had gone into making the design architecturally pleasing.

THE COMMITTEE'S PRESENTATION:

Marian Reilly, representing the Sandwich Committee, explained the Sandwich Committee's reasons for denial. She said the house appears to be the only single story house in the area and that a majority of the Commmittee felt that this house should remain a single story house and that the area should remain an area of beach cottages.

DISCUSSION:

In public discussion, Rodney Erikson addressed the Commission in favor of the appeal. He said the lot in question was nearly a half acre where the other lots in the area were 5,000 square feet. It would be unreasonable to allow houses on those small lots to expand and not allow this application.

In discussion among Commission members, there was a general consensus that the Sandwich Committee erred in its decision as the area was indeed one of 1 1/2 story homes and that the proposed expansion would not be inappropriate to the area.

FINDINGS:

The Commission voted as follows:

1. That the Sandwich Committee used poor judgment in determining that the Appellant's application was inappropriate. 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 #99-5, 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.

Elizabeth Wilcox
Vice-Chair