

KATHLEEN KILEY

v.

Decision #99-16

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

On Tuesday, November 9, 1999 the Commission held a hearing on Appeal #99-16 filed by Kathleen Kiley, seeking review of a decision by the Sandwich Historic District Committee denying a Certificate of Appropriateness for alterations to a building located at 71 Beachway Road, Sandwich, Massachusetts.

Present were Edward Molans, Barnstable; Paul White, Sandwich; Elizabeth Wilcox, Dennis; Deborah Gray, Yarmouth; Roy Robinson, Brewster; William Quinn, Orleans; Robert G. Brown, Commission Counsel; Tom Capizzi, Agent for the Appellant; and Kathleen Kiley, Appellant.

The Committee's decision was filed with the Town Clerk on September 23, 1999. The appeal was entered with the Commission on September 30, 1999, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Tom Capizzi, Agent for the, Appellant, addressed the Commission in favor of the Appeal. He said this was an application for the installation of vinyl siding in Sandwich. He said he has done many jobs of this type in Sandwich and throughout the District. However, Sandwich has new members on the Committee who will not allow vinyl under any circumstances and this is wrong.

THE COMMITTEE'S PRESENTATION:

Paul White, representing the Sandwich Committee, explained the Sandwich Committee's reasons for denial. He said the Committee looked at the property and voted 4-1 to deny the application on the basis that vinyl was inappropriate. The Committee felt the Appellant had other options and did not want to create a precedent by allowing the use of vinyl.

DISCUSSION:

In general discussion, Jacob Atwood, a member of the Sandwich Committee, stated he had visited the area and the use of vinyl was not appropriate.

In discussion among Commission members a majority of the Commissioners felt that, although the decision of the local Committee is to be given great consideration, it does not mean there is no review at all. In this matter, the Appellant complied with the regulations of the Commission regarding the use of vinyl and the Committee could express no reason as to why this area was inappropriate for the use of vinyl.

FINDINGS:

The Commission voted as follows:

1. That the Sandwich Committee used poor judgment in denying the Appellant's application for a Certificate of Appropriateness. 3-2-1.
2. That the appeal be allowed and a Superceding Certificate of Appropriateness issued with regard to the Certificate of Appropriateness allowing the use of vinyl siding subject to the following: 1. No "J" channels; 2. No lengths shorter than four (4.0) feet; and 3. All siding used must be from the same dye lot.

DETERMINATION:

As to Appeal #99-16, the appeal is allowed, subject to the above conditions.

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.

William Quinn
Chair