

BETSY POTTEY

v.

Decision #99-18

**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 #99-18 filed by Betsy Pottey, seeking review of a decision by the Sandwich Historic District Committee denying a Certificate of Appropriateness for construction of a new building to be located at 102 Salt Marsh Road, East 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; and Michael Pottey, Agent for the Appellant.

The Committee's decision was filed with the Town Clerk on October 18, 1999. The appeal was entered with the Commission on October 23, 1999, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Michael Pottey addressed the Commission in favor of the Appeal. He said he proposes to build the proposed house on property next to his current home. There is a duplicate of this home approximately 1 ½ miles away that was previously approved by the Sandwich Committee. The house is an elevated salt box design and it has taken many months of meetings before many boards, committees and commissions to make it to this point. The Committee felt the dormer and palladian windows were not appropriate. He distributed photos of other homes in the area with these design features and asked that the appeal be allowed.

THE COMMITTEE'S PRESENTATION:

Paul White, representing the Sandwich Committee, explained the Sandwich Committee's reasons for denial. He said there were various criteria for denial and the Appellant's reliance on the fact another house just like it was several miles away was not material to this application. Some Committee members who voted in favor of that application voted against this application.

DISCUSSION:

In discussion among Commission members there was a consensus that the parties were not far apart on this matter and it was possible the matter could be compromised via an appeal to the Sandwich Committee.

FINDINGS:

The Commission voted as follows:

1. That the matter be remanded to the Sandwich Committee. 4-1-1.

DETERMINATION:

As to Appeal #99-18, the matter is remanded to the Sandwich Committee.

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