

MR. & MRS. JAMES DILLON

v.

Decision #99-24

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

On Tuesday, January 11, 2000 the Commission held a hearing on Appeal #99-24 filed by Mr. & Mrs. James Dillon, seeking review of a decision by the Sandwich Historic District Committee denying a Certificate of Appropriateness for alterations to a building located at 18 School Street, Sandwich, Massachusetts.

Present were Dorothy Stahley, Barnstable; Paul White, Sandwich; Paul SanClemente, Dennis; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Robert G. Brown, Commission Counsel; Grattan Gill, Architect for the Appellants; and James Dillon, Appellant.

The Committee's decision was filed with the Town Clerk on December 15, 1999. The appeal was entered with the Commission on December 23, 1999, within the 10 day appeal period.

In the absence of both the Chair and Vice-Chair, the Commissioners elected Roy Robinson as Chair Pro Tem.

THE APPELLANTS' PRESENTATION:

James Dillon, Appellant, addressed the Commission in favor of the appeal. He showed the original model that had been denied at a previous meeting. He showed how the new design has changes in both the exterior features and window treatments. He said he felt the undercurrent of the opinion of the Sandwich Committee was that there should be no two story additions in the area of the Hoxie House.

Grattan Gill, Architect for the Appellants, addressed the Commission in favor of the appeal. He explained the process of redesigning the addition and said the addition had been simplified so that there was no question it was appropriate for the District.

THE COMMITTEE'S PRESENTATION:

Paul White, representing the Sandwich Committee, explained the Sandwich Committee's reasons for denial. He said the Sandwich Committee took this matter very seriously as this property is situated in a very sensitive area of the District. The Sandwich Committee felt the addition was too modern and not compatible with the remainder of the District. Where this house is situated, the side of the house will be much more visible than the front of the house and an addition such as this is not appropriate.

DISCUSSION:

In discussion among Commission members, there was a consensus among the Commission members that while some deference should be paid to the Committee's decision, the Committee's decision was not beyond review and that the Sandwich Committee did not appear to have a reasonable basis for its decision in this matter.

FINDINGS:

The Commission voted as follows:

1. That the Sandwich Committee used poor judgment in denying the Appellants' application for a Certificate of Appropriateness. 4-0-1.
2. That the appeal be allowed. 4-0-1

DETERMINATION:

As to Appeal #99-24, 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.

Roy Robinson
Chair Pro Tem