

## Old King's Highway Regional Historic District Commission

P.O. Box 279, Hyannis Mass. 02601

Telephone: 617-775-1766

H. EARL LANTERY

v.

Decision #88-14

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

On Tuesday, May 10, 1988 the Commission held a hearing on Appeal #88-14 filed by H. Earl Lantery seeking review of a decision by the Sandwich Historic District Committee which had approved a Certificate of Appropriateness for Donald Arsenault for a new dwelling to be located at Lot 47/#9 Captain Wing Road, East Sandwich, Massachusetts.

Present were Barbara Hart, Dennis; Michael Shay, Brewster; Allen Abrahamson, Sandwich; Peter Freeman, Barnstable; Robert G. Brown, Commission Counsel; H. Earl Lantery, Appellant, and Mr. and Mrs. Arsenault, Applicants.

The Committee's decision had been filed with the Town Clerk on March 23, 1988, and the appeal entered with the Commission on April 17, 1988.

H. Earl Lantery, addressed the Commission to explain his reasons for appeal. He stated that he was concerned over the verticality of the proposed structure and the fact that, in his opinion, the height of the building did not conform to zoning. He said he felt that the approval by the Sandwich Committee was arbitrary and capricious for various reasons, specifically the verticality issue and the fact that the Applicants were apparently creating a new grade which Mr. Lantery stated had not been allowed in the past by the Sandwich Committee. He claimed that the Applicants were, in this instance, setting a foundation on grade and then filling. Procedurally, he stated that he had tried calling the Sandwich Town Hall as late as 4:00 p.m. on the date of the meeting and was told that there would be no meeting because there was no quorum. He said he found that an Alternate member did attend the meeting and did vote on the application despite the fact that she had not visited the site. He stated that he was not concerned over the style of the building. He said he recognized that this was a problem lot but that what the Applicants had proposed was not the solution.

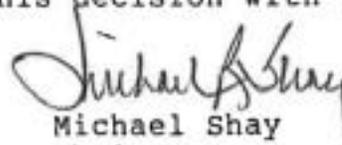
Allen Abrahamson, representing the Sandwich Committee, addressed the Commission to explain the Sandwich Committee's reasons for approval. He stated that when the matter first came before the Sandwich Committee there were bizarre window placements in the structure and that the matter had been dealt with at more than one meeting. He stated that the Sandwich Committee felt that because of the unique topography of the lot that the proposed design would be appropriate for the area. He said the Sandwich Committee felt that the dwelling would be compatible with others in the area and that they had no reason to deny the application.

Donald Aresenault, Applicant, addressed the Commission to speak in favor of his application and against the appeal of Mr. Lantery. He stated that the house would be much less massive than others in the area, notably Mr. Lantery's, and differed with Mr. Lantery on the height of the dwelling, stating that the height should be measured from the front door.

After lengthy discussion the Commission made the following determination.

1. That the Sandwich Historic District Committee did act in a procedurally erroneous manner in approving the Applicants' Certificate of Appropriateness and that the matter be remanded to the Sandwich Committee for a full hearing with notice to all parties.

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.

  
Michael Shay  
Chairman

