

Old King's Highway Regional Historic District Commission  
P.O. Box 279, Hyannis Mass. 02601  
Telephone: 617-775-1766

RICHARD N. ROBERTSON

v.

Decision #88-15

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 #88-15 filed by Richard N. Robertson seeking review of a decision by the Sandwich Historic District Committee which had denied a Certificate of Appropriateness for a new residence to be located at 98 Salt Marsh Road, East Sandwich, Massachusetts.

Present were Barbara Hart, Dennis; Michael Shay, Brewster; Paul White, Sandwich; Peter Freeman, Barnstable; Milton Smith, Yarmouth; Robert G. Brown, Commission Counsel; Richard N. Robertson, Applicant, Richard C. Anderson, Esq., Attorney for the Applicant; and Grattan Gill, Architect for the Applicant.

The Committee's decision had been filed with the Town Clerk on April 14, 1988, and the appeal entered with the Commission on April 25, 1988.

Richard C. Anderson, Attorney for the Applicant addressed the Commission on behalf of the Applicant. He displayed aerial photos and plans of the site and asked the Commission to bear in mind that his client had been thwarted in his ability to build a house which he stated was a sacrosanct right in this country. Attorney Anderson described Salt Marsh Road as being one mile from Route 6A and three miles from Sandwich Center. He stated that none of the proposed house would be visible from Route 6A and that not one structure on all of Salt Marsh Road has any historic significance. He stated that the 18 homes on Salt Marsh Road were all of similar height. Addressing the issue of compatibility he stated that compatibility does not mean sameness and asked what the proposed structure was supposed to be compatible with. He stated that the Committee has heretofore approved rounded decks and displayed various books and photographs showing homes with similar features to the one proposed. He stated that the standard should be different in this area of the Historic District than other areas of the District such as Sandwich Center. He displayed letters from abutters in the neighborhood, all of whom were in support of the application. Attorney Anderson concluded his presentation by introducing Grattan Gill, Architect for the Applicant.

Grattan Gill, Architect for the Applicant, addressed the Commission on behalf of the Applicant. He stated that his client wanted to replace the existing building with a 24' x 36' building. He said that the site in question was a very unique site and that his design tried to take advantage of all of the possible views. He went into great detail regarding the reasoning behind his design, addressing some of the concerns of the Sandwich Committee. He read from, and later distributed to the Commission, a memorandum prepared addressing the concerns raised by the Sandwich Committee at their meeting of March 9, 1988, including location, height, windows, the so-called "turret" which he stated was in fact a curved stairway enclosure which is not uncommon on Cape Cod, and the curved decks. He stated that the fact the building is not a "twin" of any other structure is to its credit and not to its detriment. He stated that the neighborhood had no primary or secondary historic significance and that the neighborhood had the vitality to welcome the proposed structure without any derogation from the intent of the Act.

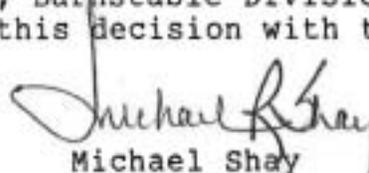
Paul White, representing the Sandwich Committee, addressed the Commission to explain the Sandwich Committee's reasons for denial. He stated that the matter had been brought before the Sandwich Committee on several occasions. Although most of the Sandwich Committee thought the building would be wonderful, they felt it would be incompatible with the Act. He stated that the Sandwich Committee had no trouble dealing with the building and felt that there was a basis for compatibility. In volume it would be incompatible. Also, some of the other buildings have a steeper roof pitch. He stated that the Sandwich Committee had no objection to a modern design, but that it had to be compatible.

After lengthy discussion the Commission made the following determination.

1. That the Sandwich Historic District Committee did act in an arbitrary capricious and erroneous manner in denying the Applicant's Certificate of Appropriateness.
2. That the decision of the Sandwich Historic District Committee in this matter be and is hereby annulled.

3. That the Commission hereby issue a superceding approval of a Certificate of Appropriateness based on plans on file with the Commission.

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

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TOWN OF SANDWICH  
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