

Old King's Highway Regional Historic District Commission  
P.O. Box 2187, Hyannis, Mass. 02601 Telephone 508-775-5793

JOHN F. DESHLER

v.

Decision #95-7

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

On Tuesday, August 22, 1995 the Commission held a hearing on Appeal #95-7 filed by John F. Deshler, seeking review of a decision by the Sandwich Historic District Committee which had approved a Certificate of Appropriateness to Conrail/Massachusetts Bay Transportation Authority/Sandwich Chamber of Commerce for the installation of portable toilets at Jarves Street, Sandwich, Massachusetts.

Present were Christopher R. Miner, Orleans; Peter L. Freeman, Barnstable; Roy Robinson, Brewster; Robert Terrill, Sandwich; Robert G. Brown, Commission Counsel; John F. Deshler, Appellant and many interested members of the public.

The Committee's decision had been filed with the Town Clerk on July 28, 1995, and the appeal entered with the Commission on August 7, 1995, within the 10 day appeal period.

THE APPELLANTS' PRESENTATION:

John F. Deshler addressed the Commission in favor of the appeal. He described the portable toilets which have been installed adjacent to the railroad in Sandwich. He feels that the plastic structures, surrounded by an eight-foot fence are inappropriate to the District and will create a bad precedent. He said that there should be a permanent solution and he is willing to work with the Sandwich Committee and Conrail so they will not have to appear before the Commission again.

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THE COMMITTEE'S PRESENTATION:

Robert Terrill, representing the Sandwich Committee, addressed the Commission to explain the Sandwich Committee's reasons for approval. He said that there is a lack of facilities for visitors in Sandwich. The Selectmen in Sandwich indicated that they did not have money for a permanent facility and suggested using a portable facility. The railroad agreed to the use of their property for the facility. The stockade fence was approved so as to hide the facilities. The facility would be placed on the site each May and removed on or about Labor Day. The fencing would remain.

DISCUSSION:

In general discussion among the members of the public many persons stated that the architectural aspect of the facility does not fit into the District. Others stated that the previous train station was brick and should not be replaced by blue plastic with advertising on all sides. Nearly all members of the general public were in opposition to the application and in favor of the appeal.

In discussion among Commission members, a majority of the members of the Commission felt that the Sandwich Committee had exceeded their authority and had made a good faith error of judgment in arriving at their determination.

FINDINGS:

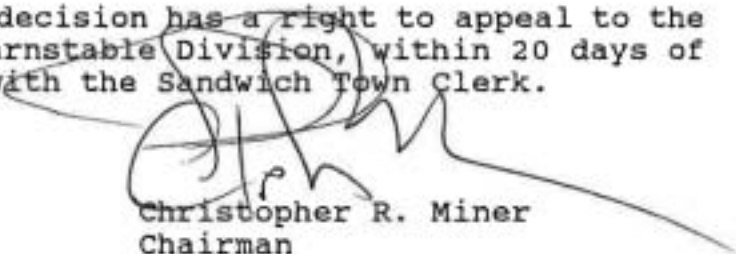
The Commission made the following Findings of Fact:

1. That the Sandwich Committee did exceed its authority and use poor judgment in determining that the Applicants' application was appropriate for the area. 3-0-1.

DETERMINATION:

Based on the above findings, the appeal is allowed and the prior determination of the Sandwich Committee is rendered null and void.

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.

  
Christopher R. Miner  
Chairman

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