

**OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT  
COMMISSION**

P.O. Box 140, Barnstable, Massachusetts 02630-0140

TOWN CLERK  
TOWN OF SANDWICH

**Chris and Marcia Warrington, Appellants**

JAN 03 2017

**Vs.**

Decision for Appeal No: 2016-12, RECORDED  
4 H 10 M P M

**Old King's Highway Regional Historic  
District Committee for the Town of Sandwich**

On Tuesday, December 13, 2016 at 1:30 P.M., the Commission held a hearing at the West Barnstable Fire Station Meeting Room, 2160 Meetinghouse Way (Route 149), West Barnstable, Massachusetts, on Appeal No. 2016-11 filed by Chris and Marcia Warrington seeking reversal of the Sandwich Historic District Committee's granting to Karen and Tommy Doyle a Certificate of Appropriateness for a 2 story cottage to be located at 18 Salt Marsh Road, Sandwich, Massachusetts, which is shown on the Sandwich Town Assessor's Map 77 as Lot 28.

Present were Chairman Lawrence Houghton, Brewster; William Bohlin, Dennis; William Collins, Sandwich; Carrie Bearse, Barnstable; Richard Gegenwarth, Yarmouth; Ronald Mgrdichian, Orleans; James R. Wilson, Commission Administrative Counsel; Chris and Marcia Warrington, Appellants; Karen and Tommy Doyle, Applicants and Anne M. Michniewicz, Applicant's Designer.

The Sandwich Town Committee's decision was made November 9, 2016 and notice filed with the Sandwich Town Clerk on November 10, 2016. The Appeal Petition form was filed on November 17, 2016, within the 10-day appeal period of Section 11 of the Act.

The Commissioners have reviewed the application with relevant plans and submissions presented to the Sandwich Historic District Committee; the draft minutes of the October 26, 2016 and November 9, 2016, Sandwich Historic District Committee public hearings; the approval of the application by the Sandwich Historic District Committee; and the Appellant's appeal petition.

The Commissioners have visited the site and are familiar with the neighborhood and location of the Applicant's existing cottage at 18 Salt Marsh Road, Sandwich, Massachusetts.

**Applicant's Presentation:**

Anne M. Michniewicz, designer of Sandwich addressed the Commission on behalf of the Applicants Karen and Tommy Doyle. She stated that the proposed replacement two (2) story cottage was an unusual design because of the many restrictions on the site. She stated that the design was influenced by the Applicants' desire to keep a lower profile than allowed under existing regulations and would be in harmony with the existing

cottage character of the neighborhood. She suggested that the small and low appearance of new cottage would be in keeping with the existing beach bungalow style of the immediate surroundings.

**Appellants' Presentation:**

Marcia Warrington questioned the height of the proposed cottage and suggested that it would be much higher than the existing cottage that it would replace. She indicated that the many restrictions on the narrow lot made the increase in size of the new cottage inappropriate for the site and would result in an over crowding appearance to the area.

She disputed the claim that the new cottage would be similar in size to the existing cottage and asserted that it would be much larger with two (2) stories instead of one (1) of habitable space and that the foot print of the new cottage would cover a much larger square footage area.

**Sandwich Historic District Committee's Presentation:**

Mr. Collins presented the Sandwich Historic District Committee's basis for the decision to grant the Certificate of Appropriateness. He indicated that the Sandwich Committee had been favorably impressed by the Applicants' efforts to keep the size and style of the existing cottage and having the design features of the new cottage reflect those of the cottage that was being replaced.

He indicated that the Sandwich Committee had approved many larger dwellings on Salt Marsh Road and suggested that the proposed changes in size were appropriate for the neighborhood.

**Public Comment:**

Chairman Houghton asked for public comment on the appeal and there was none offered.

**Applicants' Rebuttal & Concluding Statement:**

Anne Michniewicz reported that the height of the building would be raised by the amount of fill that the Sandwich Conservation Commission would require. She indicated that the building would be twenty-four feet above the top of the pilings, dune and/or fill that would be required to be brought in for the project.

**Appellant's Rebuttal & Concluding Statement:**

Chris Warrington expressed concern for the uncertainty of the exact height of the new cottage and its impact on the setting and their abutting property.

**Sandwich Historic District Committee's Rebuttal & Concluding Statement:**

Mr. Collins stated that the Regional Historic District is constantly changing and that the area of the proposed new cottage reflects that change. He suggested that Salt Marsh Road is no longer an area of small beach cottages.

He claimed that the Sandwich Town Committee did consider the impact of the proposed design features on the neighborhood and felt that the proposed design appears to have a memory of the past in its style and appearance.

**Commission Discussion:**

Chairman Houghton closed the public hearing and asked the Commissioners to consider whether or not the Sandwich Historic District Committee exceeded its authority or exercised poor judgment, was arbitrary, capricious, or erroneous in its action.

Mr. Bohlin stated that he saw no problem with design and style of the proposed building and felt that it fit within the beach dune setting.. He indicated that he believed that based on all that was before the Regional Commission that the Sandwich Town Committee acted properly in approving the application for a Certificate of Appropriateness.

Ms Bearse stated that she agreed that the proposed design and style would fit in its proposed setting. She indicated that she found that the Sandwich Town Committee did act properly in approving the cottage.

Dr. Gegenwarth indicated that he joined in the opinion that the Sandwich Town Committee had acted properly in its approval of the application and suggested that the decision should be affirmed.

Mr. Mgrdichian of Orleans stated that he found no error by the Sandwich Town Committee's action in issuing the Certificate of Appropriateness.

Chairman Houghton stated that he agreed with the statements of the other Commissioners and requested that the Administrative Counsel submit a draft of possible findings for the Commissioners to review and act on.

After reviewing the draft findings, Chairman Houghton called for a motion to act on the proposed findings.

Mr. Bohlin, seconded by Ms. Bearse moved that the following findings be adopted and incorporated into the Regional Commission's decision.

**The Commission findings:**

The Commission found as follows:

- 1.) The proposed new cottage is compatible in location, size, scale, material and design for the setting.
- 2.) The proposed new cottage would be congruent with the features of the other buildings in the immediate surroundings.
- 3.) The Regional Commission finds that the Sandwich Town Committee did not exceed its authority or exercise poor judgment.
- 4.) The Regional Commission finds that the Sandwich Town Committee had a reasonable basis for its decision to issue the Certificate of Appropriateness and was not arbitrary, capricious, or erroneous in its action.
- 5.) The Sandwich Town Committee decision should be affirmed.

The motion carried by a vote of 5-0-1. (Bearse, Bohlin Gegenwarth, Houghton, & Mgrdichian, in favor; None opposed; and Collins abstaining)

**The Commission's Determination:**

Mr. Bohlin moved, seconded by Ms. Bearse, that the Regional Commission vote to uphold the decision granting the Certificate of Appropriateness and it is hereby noted that we find that the Sandwich Town Committee did not exceed its authority or exercise poor judgment and was not arbitrary, capricious or erroneous in its action and that the decision was within the guidelines of the Act and specific to the building and structures under consideration.

The motion carried by a vote of 5-0-1 (Bohlin, Bearse, Gegenwarth, Houghton, & Mgrdichian, in favor; none opposed; and Collins abstaining)

As to Appeal No. 2016-12, the Decision by the Sandwich Historic District Committee in granting a Certificate of Appropriateness is affirmed. (5-0-1)

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.

Dated: January 3, 2017

  
Lawrence Houghton, Chairperson