

CAPIZZI HOME IMPROVEMENT

v.

Decision #2001-11

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

On Tuesday, August 14, 2001 the Commission held a hearing on Appeal #2001-11 filed by Capizzi Home Improvement, seeking review of a decision by the Sandwich Historic District Committee denying a Certificate of Appropriateness to Ethel Malone for alterations to a building located at 53 Torrey Road, East Sandwich, Massachusetts.

Present were Dorothy Stahley, Barnstable; Jonathan Shaw, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Elizabeth Wilcox, Dennis; Robert G. Brown, Commission Counsel; and Tony Pola, representing Capizzi Home Improvement, Appellant.

The Committee's decision was filed with the Town Clerk on July 12, 2001. The appeal was entered with the Commission on July 20, 2001, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Tony Pola, representing Capizzi Home Improvement, addressed the Commission in favor of the appeal. He read a letter from Mrs. Malone, the property owner, and displayed pictures of other homes in the area. He said that the porch had been approved by all of the neighbors and also the neighborhood architectural review committee. He said that when the home was first built, it was not balanced with a farmer's porch. The addition of a farmer's porch will balance the house and would be appropriate to the District. He said he felt the Sandwich Committee was erroneous in its decision and asked that the appeal be allowed.

THE COMMITTEE'S PRESENTATION:

Jonathan Shaw, representing the Sandwich Committee, addressed the Commission in opposition to the appeal. He distributed minutes of the meeting of the Sandwich Committee and reiterated the position of the Sandwich Committee that the 30 foot flat roof over the porch would cause massing that would overpower the house and be incompatible with the immediate neighborhood.

DISCUSSION:

In discussion among Commission members, a majority of the Commission members felt that the addition of a farmer's porch on this property would not be incompatible with the District in general or the neighborhood in particular, and felt that the Sandwich Committee may have used poor judgment in denying the Appellant's original application for a Certificate of Appropriateness.

FINDINGS:

The Commission found as follows:

1. Sandwich Committee used poor judgment in denying the Appellant's application for a Certificate of Appropriateness. 3-1-1.
2. That the appeal be allowed based on plans on file with the Town of Sandwich.

DETERMINATION:

As to Appeal #2001-11 the appeal is allowed subject to the above provisions.

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.

Dorothy Stahley
Chairman