

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

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TOWN CLERK  
TOWN OF SANDWICH

Riverview School, Appellant

V.

Decision #2004-3

JUN 1 2004

RECEIVED & RECORDED

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

On Tuesday, May 25, 2004 at 7:45 P.M., the Commission held a hearing at the Fire Station Community Room, 340 Route 6A, Yarmouth Port, Massachusetts, on Appeal #2004-3 filed by the Riverview School seeking reversal of a decision by the Sandwich Historic District Committee denying a Certificate of Appropriateness for a parking lot and entrance to be located at 551 Route 6A, East Sandwich, Massachusetts.

Present were Jeffery Wilson, Barnstable; Robert DeRoeck, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Peter Lomenzo, Dennis; James R. Wilson, Commission Counsel; Michael D. Ford, Attorney for the Applicant/Appellant; Carmen Garufo, Architect for Applicant; John Aborne, Facilities Manager for the Applicant; Scott F. Branco, Financial Manager for the Applicant; and Maureen Brenner, Head of the Applicant's School.

The Committee's decision was filed with the Town Clerk on March 16, 2004. The appeal was entered with the Commission on March 25, 2004, within the 10-day appeal period.

**The Appellant's Presentation:**

Attorney Michael D. Ford addressed the Commission on behalf of the Riverview School and stated that the Committee acted in error by refusing to grant the requested Certificate of Appropriateness.

He claimed that the project was exempt from review because the parking lot and entrance were not "structures" within the meaning of the Historic District Act. He also indicated that the parking lot and its entrance were not new, but had existed for many years.

He stated that the proposed configuration was mandated by safety issues and had been approved by the State, County and other local agencies. He submitted a copy of the State curb cut permit for the entrance. He also indicated that prior members of the Sandwich Committee had not objected to the location of the proposed features.

**The Town Committee's Presentation:**

Robert DeRoeck addressed the Commission on behalf of the Sandwich Town Committee. He stated that the Committee had denied the application because of the visual impact of

the parking lot on Route 6A. He indicated that the Committee wanted screening and a relocation of the entrance to Hammond Road.

Peter Lomenzo asked if the original master plan had shown the proposed parking lot and entrance and had the Committee at a prior meeting seen it.

Mr. Garufo stated that the master plan did show the subject features and that it had been previously shown to the Committee.

It was noted that the current Committee membership was relatively new and none were members at the time of the original submission in 1997.

Deborah Gray asked if the parking lot had preexisted and again was assured by the Applicant that a parking lot of similar size had been located in the same location for many years.

**Public Comment:**

The neighboring Scorton Shores Association, Inc. submitted a letter of support for the proposed Certificate of Appropriateness.

**Discussion:**

Deborah Gray expressed the opinion that this is a matter of safety. She indicated that the entrance and parking lot already existed. She felt that the Committee made an error in not knowing that the parking lot was preexisting and failed to give proper consideration to the safety issues.

Roy Robinson expressed the opinion that the Committee made an error in judgment by not issuing a Certificate of Appropriateness for the proposed project.

Jeffery Wilson observed that the parking lot preexisted and indicated that he felt that the Certificate of Appropriateness should have been granted to the Applicant.

Peter Lomenzo stated that the Committee exceeded its authority and was arbitrary in its failure to properly consider the safety issues and preexisting conditions at the proposed site. He agreed with the other Commissioners that the Certificate should be granted to the Applicant.

**Findings:**

The Commission found as follows:

That the Committee exercised poor judgment in determining that the visual esthetic issues exceeded the public safety factors of the project.

That the Committee was arbitrary and capricious in not adequately reviewing it's earlier records on the proposed project.

That the Committee was erroneous in failing to properly review the history of the site.

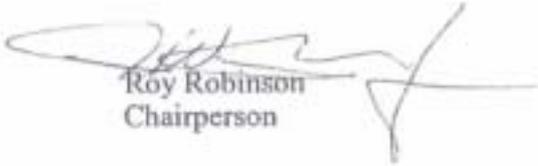
That the Committee exceeded its authority in denying the Applicant's request for a Certificate of Appropriateness.

That the Commission should issue a Certificate of Appropriateness to the Applicant for the proposed parking lot and entrance.

**Determination:**

As to Appeal #2004-3, the decision of the Sandwich Committee is annulled and the Certificate of Appropriateness is issued in accordance with the plans on file with the application.

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.

  
Roy Robinson  
Chairperson