

LEO MOGAVERO

v.

Decision #96-7

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

On Tuesday, October 8, 1996 the Commission held a hearing on Appeal #96-7 filed by Leo Mogavero, seeking review of a decision by the Sandwich Historic District Committee which had denied a Certificate of Appropriateness for an addition to a building located at 8 Oyster Hill Drive, Sandwich, Massachusetts.

Present were Peter Freeman, Barnstable; Roy Robinson, Brewster; Virginia Amidon, Sandwich; David Moeller, Yarmouth; Robert G. Brown, Commission Counsel; Leo Mogavero, Appellant; and several interested members of the public.

The Committee's decision was filed with the Town Clerk on September 13, 1996. The appeal was entered with the Commission on September 19, 1996 within the 10 day appeal period.

In the absence of the Chairman, the Vice-Chairman presided over the hearing.

THE APPELLANT'S PRESENTATION:

Dane Arnold, Agent for Leo Mogavero, addressed the Commission in favor of the appeal. He displayed a site plan of the project and also displayed some pictures of the area. He said that the deck was constructed in the back of the house pursuant to a permit by the Building Inspector and approval by the Sandwich Committee. He said he did not understand what was done wrong with regard to the construction of the deck and the surrounding landscaping.

THE COMMITTEE'S PRESENTATION:

Virginia Amidon, representing the Sandwich Committee, addressed the Commission to explain the Sandwich Committee's reasons for denial. She described the procedural history of this application, stating that the matter had been brought before the Sandwich Committee as an Exemption. She said that the Committee was informed that a

wedding was to be taking place at the premises that weekend and that the deck was needed. The Committee gave tentative approval for the deck to remain until the next meeting of the Committee. There were no provisions made for screening the site and the approval given by the Committee was for a time certain.

Allen Osgood, a member of the Sandwich Committee, addressed the Commission in opposition to the appeal. He stated that it was understood that this was needed for a wedding and the Committee was trying to do the right thing. The status of this deck which stands alone and is not attached to the rest of the house is inappropriate in terms of the rest of the neighborhood. He said that this area is a critical area of the Sandwich Historic District.

DISCUSSION:

In discussion among Commission members it was felt that there was a possibility that the matter could be settled if it were remanded to the Sandwich Committee.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the matter be remanded to the Sandwich Committee for reconsideration of the Application. 3-0-1.

DETERMINATION:

Based on the above findings, the matter is remanded to the Sandwich Committee.

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.

Peter L. Freeman
Vice-Chairman