



Old King's Highway Regional Historic District Commission RECEIVED

First District Courthouse, Barnstable, Mass. 02630

Telephone: 617-362-4092

1982 APR 30 PM 12:17

MARJORIE PENNY

VS.

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

TOWN OF DENNIS  
CLERK-TREASURER  
MS

DECISION  
Case #82-5

On April 27, 1982, the Commission held a hearing on an appeal filed by Marjorie Penny to a decision by the Dennis Historic District Committee which disapproved an application for a Certificate of Appropriateness for the installation of doors, skylight and a bay window on property located at 90 South Street, East Dennis, Massachusetts.

Present were: Mr. Ivers, Brewster, Mr. MacSwan, Barnstable, Mr. Nickerson, Yarmouth, Mr. Sutton, Sandwich, Mr. Hanger, Dennis and James R. Wilson Counsel for the Commission, Mrs. Penny, appellant, Mr. Stevenson, contractor and Mr. Romley, architect.

The Decision of the Dennis Committee was filed with the Town Clerk on March 30, 1982 and the appeal entered with the Commission on April 2, 1982, within the ten day appeal period.

All members of the Commission indicated that they had visited the site and were familiar with the neighborhood. Additionally, photographs of the area and plans of the proposed changes were shown to the members.

Mrs. Penny addressed the Commission and stated that efforts had been made to protect the building and to make compatible changes that would allow for light and contemporary design in harmony with the neighborhood. She indicated that substantial expenditures had been made on plans in an effort to obtain an approval from the Dennis Committee. She acknowledged that the main house was built in the 1770s and that the wing upon which the modifications were proposed was added in the late 19th century. She indicated that she felt the Dennis Committee erred in its disapproval of her application and that she hoped the Commission would approve her proposed modifications.



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Mr. Stevenson addressed the Commission and stated that he had formerly served on the Harwich Committee and that he had considerable experience in restoring older buildings. He indicated that he felt the modifications as proposed would be appropriate and would not be inconsistent with the intent of the Act.

Mr. Romley addressed the Commission and stated that there had been considerable confusion about the plans and the project consisted of being a #5 instead of a #8 skylight on the roof; that French doors instead of sliders would be acceptable and that the bay window as originally applied for was what the applicant was seeking.

Mr. Hanger speaking on behalf of his Committee, indicated that there were considerable changes of plans and design; that it was difficult to reach any agreement with the applicant due to apparent breakdowns in communications between the applicant and her agents. He indicated that the original proposals were unacceptable because they change substantially the appearance of the structure and called for the use of too much exposed glass in the design. He further indicated that the building had a great deal of historical significance and that it should not be haphazardly altered.

After considerable discussion by the Commission and the parties involved, the Commissioners made the following findings;

1. That the Town Committee erred in processing the various proposals and in its determination that three pairs of French doors were inappropriate.
2. That there was confusion over the size of the proposed skylight.
3. That the decision of the Dennis Committee denying a Certificate of Appropriateness be annulled.
4. That the matter be remanded to the Dennis Committee for further review.

The parties were advised that there is a right to appeal this decision to the Orleans District Court within 20 days of the filing of this decision in the Dennis Town Clerk's office.

Respectfully submitted

*Harris H. Ivers*  
Harris H. Ivers, Chairman

April 28, 1982