

THOMAS O'HEAR/CENTURY 21 SAM INGRAM REAL ESTATE
CHARLES RICHARDSON/CENTURY 21 SAM INGRAM REAL ESTATE

v.

Decision #2000-01
#2000-02

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

On Tuesday, March 7, 2000 the Commission held a combined hearing on Appeal #'s 2000-01 and 2000-02 filed by Thomas O'Hear/Century 21 Sam Ingram Real Estate and Charles Richardson/Century 21 Sam Ingram Real Estate respectively, seeking review of a decision by the Dennis Historic District Committee denying Certificates of Appropriateness for signs located at 66 Hazelwood Road, South Dennis, Massachusetts and 3 Curtis Lane, Dennis, Massachusetts, respectively.

Present were Dorothy Stahley, Barnstable; Paul White, Sandwich; Elizabeth Wilcox, Dennis; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Robert G. Brown, Commission Counsel; and Sam Ingram, Appellant.

The Committee's decisions were filed with the Town Clerk on January 19, 2000. The appeals were entered with the Commission on January 24, 2000, within the 10 day appeal period.

As the issues in Appeal #'s 2000-01 and 2000-02 were alike, the Commission voted, without objection from either the Appellant or the Town, to hold a combined hearing on both appeals.

THE APPELLANT'S PRESENTATION:

Sam Ingram, Appellant, addressed the Commission in favor of the appeals. Referring to the Historic District Act, he said temporary signs of this size should be exempt. This type of sign has been used for years in the District and was approved by the Town in 1987. At one time there were more than 125 signs of this type in use.

THE COMMITTEE'S PRESENTATION:

Elizabeth Wilcox, representing the Dennis Committee, explained the Sandwich Committee's reasons for denial. She said the arm of the sign is permanent and, because of its prominence and color should be included as part of the sign. Signs such as this should be applied for the same as permanent signs are.

DISCUSSION:

In discussion among Commission members, Roy Robinson read from various sections of the Act and stated that, while the Committee did not need to act, they are definitely not precluded from acting to enforce the Act. In addition, Paul White stated there are certain signs that are meant to stimulate competition and this was an example of such a sign. In these cases the yellow post draws the eye and is more visible than the sign.

Commission Counsel ruled that the sign could be considered temporary, however, the arm of the sign—obviously meant to attract attention—could be included in the square foot area of the sign.

FINDINGS:

The Commission voted as follows:

1. That the Dennis Committee was not arbitrary, capricious or erroneous in either matter in denying the Applicant's Request for a Certificate of Appropriateness
4-0-1.
2. That the appeal be denied. 4-0-1

DETERMINATION:

As to Appeal #'s 2000-01 and 2000-02, both appeals are denied.

Any person aggrieved by these decisions has a right to appeal to the District Court Department, Orleans Division, within 20 days of the filing of this decision with the Dennis Town Clerk.

Roy Robinson
Chairman