

COLES POND REALTY TRUST

v.

Decision #2000-07

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

On Tuesday, June 6, 2000 the Commission held a hearing on Appeal #2000-07 filed by Coles Pond Realty Trust, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for the construction of a building to be located at 134A Coles Pond Road, East Dennis, Massachusetts.

Present were Barnstable; Paul White, Sandwich; Elizabeth Wilcox, Dennis; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Robert G. Brown, Commission Counsel; John D. Lampe, Trustee, Coles Pond Realty Trust, Appellant; and Theodore A. Schilling, Attorney for the Appellant.

The Committee's decision was filed with the Town Clerk on May 4, 2000. The appeal was entered with the Commission on May 9, 2000, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Theodore A. Schilling, Attorney for the Appellant, addressed the Commission in favor of the appeal. He recounted the procedural history of the Appellant's application and reiterated the reasons for the Dennis Committee's denial. He said the Dennis Committee was in error because the building was appropriate and was not visible from a way or public place. He distributed plans of the area and pictures of other buildings in the District. He said the gambrel style roof dates from the Colonial era in New England and is found throughout the District. He said the design of the house Mr. Lampe wishes to build on the property is historically correct and is evocative of the historical development of Cape Cod and the New England coastline. In addition, he said that any view of the property would be very insignificant as it sits over 1600 feet from a way.

THE COMMITTEE'S PRESENTATION:

Elizabeth Wilcox, representing the Dennis Committee, addressed the Commission in opposition to the appeal. She said the house will be very visible, especially from Sea St. Beach and the Crowe's Pasture Conservation area. You will not see the front of the house but will actually see the rear. She suggested that the house be moved back 50 feet and said this type of house is not compatible with the other houses in the neighborhood as the other houses have minimal landscaping and are built down in to the dunes. Any new house should be cognizant of the historic area.

DISCUSSION:

In discussion among the public, Norman Sears, an abutter to the Appellant concurred with the Dennis Committee and said the house should be moved back.

In discussion among Commission members there was a general consensus that the matter might be resolved if it were remanded to the Dennis Committee. In addition there was a consensus among Commission that the proposed architecture was not as much of a problem as was the placement of the building(s) and its/their visibility.

FINDINGS:

The Commission voted as follows:

1. That the matter be remanded to the Dennis Historic District Committee with the recommendation that the Dennis Committee place any emphasis on visibility as opposed to architecture. 3-0-1.

DETERMINATION:

As to Appeal #2000-07, the matter is remanded to the Dennis Committee.

Any person aggrieved by this decision 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