

RAYMOND & JANET LEVESQUE

v.

Decision #2000-17

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

On Tuesday, September 5, 2000 the Commission held a hearing on Appeal #2000-17 filed by the Raymond & Janet Levesque, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for the construction of a new building to be located at 22 Wade's Way, Dennis, Massachusetts.

Present were Dorothy Stahley, Barnstable; Paul White, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Elizabeth Wilcox, Dennis; Robert G. Brown, Commission Counsel; Matthew Dupuy, Attorney for the Appellants; and Raymond & Janet Levesque, Appellants.

The Committee's decision was filed with the Town Clerk on August 16, 2000. The appeal was entered with the Commission on August 24, 2000, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Matthew Dupuy, Attorney for the Appellants, addressed the Commission in favor of the appeal. He displayed plans of the existing house and the proposed house along with minutes of the appearances before the Dennis Committee. He said the Committee claimed the lot was too small for this size house. In fact, the house will have a reduction in square feet. There are two types of houses in the neighborhood, ranch style homes and 1 ½ story homes. The proposed site of the house will be more in zoning setback conformity than 70% of the houses in the area. Only 7 of the 18 houses in the area will have smaller lot coverage than the proposed house with 10 of the 18 houses being 1 ½ or 2 story houses. None of the abutters object to the proposed house. In closing he said that the Dennis Committee did not properly consider the immediate surroundings in their decision and, as a

result, their decision was arbitrary and capricious and should be reversed.

THE COMMITTEE'S PRESENTATION:

Elizabeth Wilcox, representing the Dennis Committee, addressed the Commission in opposition to the appeal. She said the house was not large, but considering the size of the lot, it was inappropriate. The Dennis Committee is concerned with the placement and the setting of the area and the construction of this house as proposed will change the placement and setting of the area. There were alternatives suggested by the Committee but they were rejected by the Appellants.

DISCUSSION:

In discussion among Commission members there was a consensus that the Appellants and the Dennis Committee were not far apart in their positions and that the matter could be remanded to the Dennis Committee for a possible solution.

FINDINGS:

The Commission voted as follows:

1. That the matter be remanded to the Dennis Committee. 4-0-1.

DETERMINATION:

As to Appeal #2000-17 the matter has been 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