



Old King's Highway Regional Historic District Commission
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DENNIS TOWN CLERK

ASACK ACRES ASSOCIATION

v.

Decision #2001-03

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

On Tuesday, April 3, 2001 the Commission held a hearing on Appeal #2001-03 filed by Asack Acres Association, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for a fence to be located at the corner of Asack Drive and Jay's Drive, South Dennis, Massachusetts.

Present were Dorothy Stahley, Barnstable; Jonathan Shaw, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Elizabeth Wilcox, Dennis; Robert G. Brown, Commission Counsel; and Michael Lillie, Al Ferioli and David Keveney representing the Asack Acres Association, Appellant.

The Committee's decision was filed with the Town Clerk on January 16, 2001. The appeal was entered with the Commission on January 22, 2001, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Michael Lillie, Al Ferioli and David Keveney, representing the Asack Acres Association addressed the Commission in favor of the appeal. They described the neighborhood making up the Asack Acres Association as an area of approximately 45 Cape and Colonial style homes. The Beautification Committee of the Association recommended that the two rotted fences at the corner of Asack Drive and Jay's Drive be replaced. The Association raised \$4000.00 to replace the rotted wooden fence with a vinyl fence. They said the Association was assured by Pro Fence that no approval of the Dennis Committee was needed. They said that when they first met with the Dennis Committee after receiving a citation regarding the fence they encountered great hostility. They displayed examples of other vinyl fences in the area and also said they were trying to maintain the tourist atmosphere in the area. They asked that the appeal be allowed.

THE COMMITTEE'S PRESENTATION:

Elizabeth Wilcox, representing the Dennis Committee, addressed the Commission in opposition to the appeal. She said the Dennis Committee heard 526 applications in 2000 with very few appeals. The shutters, doors and windows are what make an historic home and window, by window, brick by brick and door by door the historic flavor of the District is being eroded. Vinyl is not an historic material and this is not a like for like replacement. The older fences were much more compatible with the other fences on the road. This is an entirely different type of fence as the shape, style and composition of the fence have been changed. There are other developments in the area and the Committee does not want to set a precedent.

DISCUSSION:

In general discussion, David Keveney addressed the Commission in favor of the appeal. He said it was a hardship for a number of residents of the area to come up with the dues necessary to pay for this fence. He feels the fence adds to the area and none of the concerns stated by the Dennis Committee at this hearing were brought up when the Association was before the Dennis Committee.

In discussion among Commission members there was a consensus that there was a possibility that the matter might be settled via a remand to the Dennis Committee.

FINDINGS:


The Commission voted as follows:

1. That matter be remanded to the Dennis Committee for further proceedings. 3-1-1.

DETERMINATION:

As to Appeal #2001-03 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.


Dorothy Stahley
Chairman