

**OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT
COMMISSION**

P.O. Box 140, Barnstable, Massachusetts 02630-0140
Tel: 508-775-1766 FAX 508-775-9248

RECEIVED
01 NOV 29 PM 12:55
DENNIS TOWN CLERK

Carol M. Lynch

V.

Decision #2001-18

**Old King's Highway Regional Historic
District Committee For the Town of
Dennis**

On Tuesday, November 20, 2001 the Commission held a hearing on Appeal #2001-18 filed by Carol M. Lynch, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for construction of a widow's walk on the roof of property located at 57 Highland Road, East Dennis, Massachusetts.

Present were Jeffery Wilson, Barnstable; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Brad Crowell, Dennis; James R. Wilson, Acting Commission Counsel; and Andrew L. Singer of Dennis, attorney for Carol M. Lynch, Appellant.

The Committee's decision was filed with the Town Clerk on October 17, 2001. The appeal was entered with the Commission on October 24, 2001, within the 10 day appeal period.

The Appellant's Presentation:

Attorney Andrew L. Singer of Dennis addressed the Commission on behalf of the applicant and stated that the subject house was built in the late 1990s and located in an area that had been developed in the last fifty years. He indicated that the setting was proper for a widow's walk because of its location in the Sesuit Neck section of East Dennis, which is near Cape Cod Bay and Sesuit Harbor. He stated that the applicant has attempted to make the 7' X 16' structure as unobtrusive as possible.

He showed the Commissioners pictures of many approved widow's walks/roof decks and argued that the local committee was being arbitrary in denying applicant's request.

He requested that the determination of the Town Committee be reversed and that a Certificate of Appropriateness for the construction of the widow's walk/roof deck be issued by the Commission.

The Committee's Presentation:

Brad Crowell, representing the Dennis Committee, addressed the Commission and requested that the written statement of denial be reviewed. He stated that the town Committee had visited the site and examined the neighborhood. He indicated that the Committee had carefully reviewed the application and the proposed addition to the applicant's roof. He indicated that the committee made the following findings. "That the proposed Widow's walk is not of traditional design; that the house's design is incompatible with a widow's walk; that the 7' X 16' size is too large and that the proposed addition makes a large house appear even larger and thereby makes it incompatible with the smaller houses located nearby."

He acknowledged that the town committee had approved widow walks and/or roof decks in other requests. He defended the committee's action by pointing out that each application is unique and must be reviewed on its own merits in accordance with the factors set forth in Section 10 of the Act. He indicated that an examination of previously approved roof decks by the local committee, caused a majority of the members to believe that many of the decks "substantially detract from historic compatibility." He indicated that for the reasons stated above, that this particular application was properly denied.

Discussion:

The Commissioners examined pictures and plans of the area. They reviewed the findings and determination by the local town committee. They reviewed the location of the proposed change and the visual impact of the proposed addition to the roof of the applicant's dwelling. They noted the recent date of the construction of the subject dwelling and the other dwellings in the immediate neighborhood. They reviewed the factors set forth in Section 10 of the Act for determining appropriateness and the findings made by the local town committee.

Findings:

The Commission found as follows:

That an examination of the setting and the proposed exterior architectural feature presented to the Commission support the Committee's determination of historical, visual and aesthetic incongruity.

That the addition of the proposed large roof deck will cause an obviously incongruous change.

That the conditions especially affecting the denial of the applicant's request will not involve a unique and substantial hardship that would allow the approval of the application.

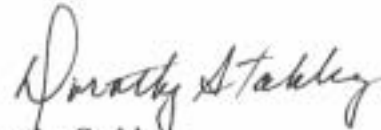
That the Committee did not exceed its authority or exercise poor judgment.

That the Committee was not arbitrary, capricious or erroneous in its action.

Determination:

As to Appeal #2001-18, the appeal is denied and the decision of the Dennis Committee is affirmed.

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



Dorothy Stahley
Chairman