

**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

**Edward M. DeFeudis
Candace J. DeFeudis**

V.

Decision #2001-19

**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 #2001-19 filed by Edward M. DeFeudis and Candace J. DeFeudis, seeking review of a decision by the Dennis Historic District Committee granting a Certificate of Appropriateness for construction of a gate, fence, and cobblestone apron on property located at 93 Cole Pond Drive, East Dennis, Massachusetts.

Present were Jeffery Wilson, Barnstable; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Brad Crowell, Dennis; James R. Wilson, Acting Commission Counsel; Louis Seminara, applicant and Edward M. DeFeudis and Candace J. DeFeudis, appellants.

The Committee's decision was filed with the Town Clerk on October 26, 2001. The appeal was entered with the Commission on October 31, 2001, within the 10 day appeal period.

The Appellant's Presentation:

Mr. DeFeudis addressed the Commission on behalf of his appeal and stated that the applicant did not have the legal right to erect the proposed metal fence, gate and cobblestones. He challenged the metal fence and gate as not being compatible with other fences in the neighborhood.

He showed the Commissioners pictures of the proposed sight of the gate and argued that the local committee was being arbitrary in approving the applicant's request for a Certificate of Appropriateness.

He requested that the determination of the Town Committee be reversed and that the Certificate of Appropriateness be revoked.

The Committee's Presentation:

Brad Crowell, representing the Dennis Committee, addressed the Commission and 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 metal fence. He offered a photograph of a nearby metal pool fence. He indicated that the Committee made the following findings. "That the proposed gate would be located at the end of cul-de-sac with very limited visual impact. He indicated that the black color would make the gate and fence relatively inconspicuous. He added that the gate was for security purposes"

Discussion:

The Commissioner's 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 structures and the visual impact of the proposed gate and cobblestones. They noted the recent date of the construction of the dwellings in the immediate neighborhood. They reviewed the factors set forth in Section 10 of the Act for determining appropriateness and the finding made by the local town committee.

Findings:

The Commission found as follows:

That an examination of the "out-of-the-way" setting and the proposed structures support the Committee's determination to grant the Certificate of Appropriateness.

That the construction of the proposed black metal fence, gate and cobblestone will not cause an obviously incongruous change to the neighborhood nor adversely effect the public welfare.

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 #2001-19, 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

