

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

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

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Winfield Realty Trust

V.

Decision #2001-21A

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

On Tuesday, November 20, 2001 and Tuesday December 11, 2001 the Commission held a public hearing on Appeal #2001-21A filed by Winfield Realty Trust, seeking reversal of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness to build a new residence to be located off South Street, Dennis, Massachusetts.

Present at the hearing were Jeffery Wilson, Barnstable; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Elizabeth Wilcox, Dennis; James R. Wilson, Acting Commission Counsel; E. James Veara attorney for applicant/appellants; and Ilana M. Quirk, Acting Dennis Town Counsel.

The Committee's decision was filed with the Town Clerk on October 26, 2001. The appeal was entered with the Commission on November 1, 2001, within the 10 day appeal period.

The Appellant's Presentation:

Attorney E. James Veara addressed the Commission on behalf of the Winfield Realty Trust and stated that the Committee acted improperly by refusing to review the plans filed by the applicant. He argued that the DCPC nomination did not suspend the obligation of the local Town Committees to review applications of Certificates of Appropriateness within the Quivet Neck area.

He argued that failure to act on the application would cause harm to his clients by needlessly delaying the permitting process.

He stated that the failure to act on the application would create a potential for an automatic grant of a Certificate of Appropriateness by default.

He requested that the Town Committee's determination be reversed and the matter be remanded to the Town Committee for a full and proper hearing on the merits.

The Committee's Presentation:

Attorney Ilana M. Quirk addressed the Commission on behalf of the Dennis Town Committee and stated that the subject property is located within accepted DCPC Nomination Area. She stated that the issuance of development permits for construction of a single family home may be substantially detrimental.

She argued that suspension applies to the local town committees and that the Cape Cod Commission Act should be construed as applying the local Town Committees.

Discussion:

The Commissioners reviewed the arguments by the respective attorney. The Commissioners expressed concern about the risk of failure to act and felt that it was better to allow the applicant to present his plans to the local committee.

Findings:

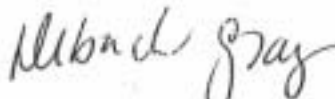
The Commission found as follows:

That the Committee was in error in not hearing the application on the merits.

Determination:

As to Appeal #2001-21A, the decision of the Dennis Committee is annulled and the matter remanded to the Dennis Town Committee for a full and proper hearing on the merits.

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.



Deborah Gray
Vice Chairman