

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

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TOWN OF ORLEANS
TOWN CLERK'S OFFICE



Anne Marie Dyer

V.

Decision #2002-3

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

On Tuesday, April 16, 2002 the Commission held a hearing on Appeal #2002-3 filed by Anne Marie Dyer seeking review of a decision by the Orleans Historic District Committee denying a Certificate of Appropriateness for construction of a new residential building to be located at 30 Skaket Beach Road, Orleans, Massachusetts.

Present were Jeffery Wilson, Barnstable; Paul White, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Bradley Crowell, Dennis; Charles Williams, Orleans; James R. Wilson, Acting Commission Counsel and John P. McCormick, attorney for the applicant, Anne Marie Dyer.

The Committee's decision was filed with the Town Clerk on March 11, 2002. The appeal was entered with the Commission on March 15, 2002, within the 10-day appeal period.

The Appellant's Presentation:

Attorney John P. McCormick addressed the Commission on behalf of the Appellant/Applicant and requested that the determination of the Town Committee be reversed and that the Commission issue a Certificate of Appropriateness for the proposed new building. He submitted a sketch of the proposed building and stated that the building was compatible with the Historic District. He indicated that his client had wanted a stone exterior but that at a meeting with the town committee had offered to use wooden shingles and/or clapboard. He suggested that the Orleans Committee had improperly denied the application based on a mistaken assumption that all houses within the Historic District must be of the same architectural style and/or design. He pointed out that Section B-3 of the Guidelines states "that the Act does not require that design be limited to repetition of existing or previous architectural styles."

The Town Committee's Presentation:

Charles Williams addressed the Commission on behalf of the Orleans Town Committee. He stated that the style and design of the proposed dwelling was not in harmony with the historic character of the neighborhood. He indicated that, while his committee felt that

the use of stone was in conflict with the setting, a change to wooden shingles and/or clapboard would not address the design conflicts of shape and style in the historically sensitive neighborhood.

Discussion:

The members of the Commission stated that all members, except Mr. White, had viewed the proposed sight of the applicant's building. They characterized the area as being very important to the historic district. They pointed out that the neighborhood is characterized by a very significant collection of historic Capes and expressed concern that the intrusion of the proposed design will have a significant negative impact on the present character of the neighborhood. They agreed with the Town Committee's determination that the high sensitivity of the location of the applicant's proposed house sufficiently supported the denial of the application.

Findings:

The Commission found as follows:

That allowance of the proposed building at the proposed sight would create a significant visual and aesthetic incongruity of architectural style and design for the historic character and setting of the immediate neighborhood.

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

That the Committee did not exceed its authority.

That the Committee did not make an error in denying the appellant/applicant's application for a Certificate of Appropriateness.

Determination:

As to Appeal #2002-3, the appeal is denied and decision of the Orleans Committee is affirmed (4-0-2).

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 Orleans Town Clerk.


Roy Robinson
Chairman