

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

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DENNIS TOWN CLERK

REF: 10/11/02

Tony Lampasona

V.

Decision #2002-6

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

On Tuesday, July 16, 2002 the Commission held a hearing on Appeal #2002-6 filed by Tony Lampasona seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for the addition of an eight foot slider and balcony to be located at 23 Dunes View Road, Dennis, Massachusetts.

Present were Jeffery Wilson, Barnstable; Paul White, Sandwich; Arthur V. Nedley, Yarmouth; Roy Robinson, Brewster; Elizabeth Wilcox, Dennis; James R. Wilson & Leslie Ann Morse, Acting Commission Counsels, Craig R. Short, P.E., applicant's Engineer and Tony Lampasona, applicant.

The Committee's decision was filed with the Town Clerk on June 17, 2002. The appeal was entered with the Commission on June 24, 2002, within the 10-day appeal period.

The Appellant's Presentation:

Craig R. Short, P.E. 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 balcony and slider. He showed pictures of other balconies in the area and pointed out that the denial had been the result of a deadlocked two (2) to two (2) tie vote. He suggested that the proposed balcony and slider was compatible with the Historic District.

The Town Committee's Presentation:

Elizabeth Wilcox addressed the Commission on behalf of the Dennis Town Committee. She offered a written letter that had been prepared by W. Bradford Crowell, a member of the Dennis committee who had voted against the proposed modification.

Discussion:

The members of the commission stated that they had examined the plans and neighborhood and that a majority observed that the proposal did not appear to be conflict

with the features of other buildings in the local neighborhood. The Commissioners expressed concern about the tie vote. Based on these observations the commissioners favored a remand to the Committee to allow the applicant an opportunity to present his application to a full five member Committee. The commissioners agreed that the applicant should be granted an opportunity to have the local committee rehear and decide the matter by a majority vote.

Findings:

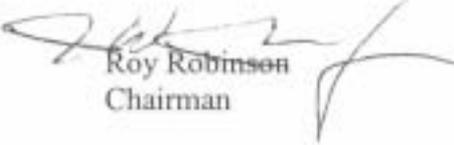
The Commission found as follows:

That in this particular application, the Committee's denial by a dead-locked vote caused an error that can best be remedied by a remand and a re-hearing before the full Committee.

Determination:

As to Appeal #2002-6, the decision is annulled and the matter remanded to the local committee for a new hearing before the full Committee. (4-0-1).

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