

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

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

**Brian E. Fitzgerald & Maria L. Fitzgerald**

**V.**

**Decision #2002-7**

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

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On Tuesday, August 6, 2002 the Commission held a hearing on Appeal #2002-7 filed by Dr. and Mrs. Brian E. Fitzgerald seeking reversal of a decision by the Dennis Historic District Committee granting a Certificate of Appropriateness for construction of a new residential building to be located at 16, 20, & 22 Dalton Lane, East Dennis, Massachusetts.

Present were Jeffery Wilson, Barnstable; Paul White, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Elizabeth Wilcox, Dennis; James R. Wilson & Leslie Ann Morse, Acting Commission Counsels and Benjamin E. Zehender, attorney for the appellant and his client Maria Fitzgerald.

The Committee's decision was filed with the Town Clerk on June 28, 2002. The appeal was entered with the Commission on July 8, 2002, within the 10-day appeal period.

**The Appellant's Presentation:**

Attorney Benjamin E. Zehender addressed the Commission on behalf of the Appellant and requested that the determination of the Town Committee be reversed and that the Commission deny a Certificate of Appropriateness for the proposed new building. He submitted a sketch of the proposed building and a plot plan of the lot. He stated that the building was not compatible with the Historic District. He said that the placement of the building on the edge of a right of way with out any set back was an error of judgment by the Committee.

**The Town Committee's Presentation:**

Elizabeth Wilcox addressed the Commission on behalf of the Dennis Town Committee. She stated that the style and design of the proposed dwelling was typical of a small Cape Cod beach cottage. She indicated that her committee felt that the lot was small and that the owner had made reasonable effort to make it compatible. She suggested that the issues raised by the appellant were better handled by the zoning administrator.

**Discussion:**

The members of the Commission reviewed the plans and the sight. They acknowledge the small size of the lot did present problems but felt that the density and set back issues were better handled by the Building Commissioner and zoning by laws. They agreed with the Town Committee's determination that the style and location of the applicant's proposed dwelling was sufficiently compatible to allow the issuance of a Certificate of Appropriateness.

**Findings:**

The Commission found as follows:

That allowance of the proposed building at the proposed sight did not create a significant visual and aesthetic incongruity of architectural style and design for the character and setting of the immediate neighborhood.

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

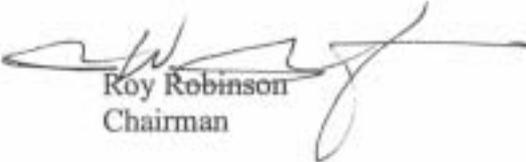
That the Committee did not exceed its authority.

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

**Determination:**

As to Appeal #2002-7, the appeal is denied and decision of the Dennis Committee is affirmed (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 Dennis Town Clerk.

  
Roy Robinson  
Chairman