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

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Dennis, MA

Walter Friend, Appellant/Applicant

V.

Decision #2003-12

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

On Tuesday, November 4, 2003 at 7:45 P.M., the Commission held a hearing at the Fire Station Community Room, 340 Route 6A, Yarmouth Port, Massachusetts, on Appeal #2003-12 filed by Walter Friend seeking reversal of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for a pier with stairs, ramp, floats and elevated walkway and deck storage to a residence located at 37 Scargo Heights Road, Dennis, Massachusetts.

Present were Jonathan Shaw, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Peter Lomenzo, Dennis; James R. Wilson, Commission Counsel; Craig R. Short, P.E., Agent for the Appellant/Applicant and Walter Friend, Appellant/Applicant.

The Committee's decision was filed with the Town Clerk on September 26, 2003. The appeal was entered with the Commission on October 4, 2003, within the 10-day appeal period.

The Appellant's Presentation:

Craig R. Short addressed the Commission on behalf of the applicant's appeal. He requested that the determination of the Town Committee be reversed and that the Commission grants a Certificate of Appropriateness for the proposed pier with stairs, ramp, floats and elevated walkway and deck storage floats. The pier would be up to forty (40) feet in length and the onshore portion would be another forty (40) feet in length. He presented pictures of other piers in the area and plans of the proposed structures. He stated that the proposed structure was designed to meet the requirements of the local Conservation Commission and other related State and Federal agencies. He indicated that the other permitting authorities had required the large size of the proposed pier and its related structures. He expressed the opinion that his client was caught between the conflicting interests of the various agencies that were reviewing the project.

The Town Committee's Presentation:

Brad Crowell addressed the Commission on behalf of the Dennis Town Committee. He stated that the proposed dock, deck and stairs were significantly larger than the others

located on Scargo Lake. He indicated that Scargo Lake was a very significant historical location and that the large size of the proposed structure would have a prominent impact on the lake's scenic setting.

He stated that the Committee carefully reviewed the application and made its determination based on the factors set forth in Section 10 of the Act. He expressed the opinion that the dock structure is uniquely large for the location and its relative size was a key reason for denying the application.

Discussion:

The members of the Commission reviewed the plans and photographs submitted by the applicant. Many of the Commissioners indicated that they were familiar with the historic and scenic character of the neighborhood.

Roy Robinson stated that he sympathized with the applicant but was concerned about protecting the character of the neighborhood setting. He further indicated that he could not fault the committee for its determination.

Jonathan Shaw stated that it seemed that both the applicant and committee had worked very hard to find a satisfactory resolution to the request. He indicated that he could not fault the Town Committee for their determination to deny the application. It appears that the Committee addressed the issues in a proper manner. He indicated that he could not see a reason to annul the Committee's determination.

Deborah Gray stated that she felt that the Committee used due diligence in its review of the application. She felt that the Committee had not been arbitrary, capricious, or erroneous in their action. She expressed the opinion that she could not fault the Dennis Committee for their decision to deny the application.

The Commission found as follows:

That the proposed design has a large massive appearance that is not in harmony with the other piers in the area.

That the design and style of the proposed structure would create a significant visual and/or aesthetic incongruity for the neighborhood.

That the Committee was not arbitrary, capricious or erroneous in its action of denying a Certificate of Appropriateness for the design of the proposed addition.

That the Committee did not exceed its authority in denying a Certificate of Appropriateness for the proposed addition.

Determination:

As to Appeal #2003-12, the appeal is denied and decision of the Dennis Committee is affirmed (3-0-1) in accordance with the findings set forth above.

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
Chairperson