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

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Leo Turcotte, Appellant/Applicant

V.

Decision #2003-13

**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 #2003-13 filed by Leo Turcotte seeking reversal of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for the construction of a single family home to be located at 45 Northside Drive, East Dennis, Massachusetts.

Present were Jonathan Shaw, Sandwich; Deborah Gray, Yarmouth; Roy Robinson, Brewster; Peter Lomenzo, Dennis; James R. Wilson, Commission Counsel; Randall Smith, Agent for the Appellant/Applicant and Leo Turcotte, Appellant/Applicant.

The Committee's decision was filed with the Town Clerk on October 8, 2003. The appeal was entered with the Commission on October 15, 2003, within the 10-day appeal period.

The Appellant's Presentation:

Leo Turcotte 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 house. He presented plans of the proposed house. He stated that the plans had been revised to meet the suggestions of the Committee.

The Town Committee's Presentation:

Brad Crowell addressed the Commission on behalf of the Dennis Town Committee. He stated that the proposed design was denied because of the garage. The Committee observed that the garage was prominent and asymmetric. He indicated that the Committee determined that the garage was incompatible with the neighborhood.

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. The Committee's minutes were submitted for review.

Discussion:

The members of the Commission reviewed the plans and minutes.

Roy Robinson stated that he 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 he had visited the site and observed that the proposed garage would be unusual and appear to be very prominent. 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 with the prominent garage feature is not in harmony with the other houses in the neighborhood.

That the design and style of the proposed garage feature 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 #2003-13, 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