

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

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Charles & Shawney Carroll

V.

Decision #2004-8

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

05 JAN 26 PM 12:39
DENNIS HISTORIC DISTRICT
COMMISSION

On Tuesday, January 4, 2005 the Commission held a hearing on Appeal #2004-8 filed by Charles & Shawney Carroll, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for construction of a three car garage with a two bedroom apartment over the garage all to be located at 960 Route 6A, Dennis, Massachusetts.

Present were: Deborah Gray, Yarmouth; Roy W. Robinson, Jr., Brewster; Peter Lomenzo, Dennis; Robert DeRoeck, Sandwich; James R. Wilson, Commission Counsel; and David Olson, Designer for the Appellant/Applicant.

The Committee's decision was filed with the Town Clerk on December 17, 2004. The appeal was entered with the Commission on December 17, 2004, within the 10-day appeal period.

The Appellant's Presentation:

David Olson, addressed the Commission on behalf of the appellant/applicant and stated that the proposed garage and apartment were located 400-500 feet from Route 6A and reflected a cottage Greek and Victorian design similar to many building located on 6A within the Historic District. He indicated that there was great confusion at the hearing about the proposal. He stated that he had not been able to attend the hearing to properly explain the location and design features to the Town Committee.

Mary Ann Kinley, who had presented the application, stated that she had been intimidated by the proceedings. She said that it was her first experience with a historic district committee and that she felt overwhelmed by the process.

Mr. Olson showed the Commissioners photographs of the neighborhood, plans of the proposed building and a plot plan indicating its proposed location.

He requested that the determination of the Town Committee be annulled.

The Committee's Presentation:

Peter Lomenzo, representing the Dennis Committee, stated that the plans were confusing and that the design was not compatible with the cottage character of the immediate surroundings. He stated that a neighbor might have disrupted the applicant's presentation, but that he felt that the committee had been reasonable in its determination. He stated that simply because Greek and Victorian designs have been approved in other locations along Route 6A, does not mean that their design features are appropriate for the subject location.

Discussion:

The Commissioners examined the pictures and plans. Mr. DeRoeck observed that the location of the proposed building, as shown on the plot plan, appears to be clear and remote from the public's view. Mr. Robinson stated that he felt the applicant should be given another opportunity to present their application to the local committee. Mrs. Gray agreed that the determination should be annulled and the matter returned to the local town committee for a new hearing.

Findings:

The Commission found as follows:

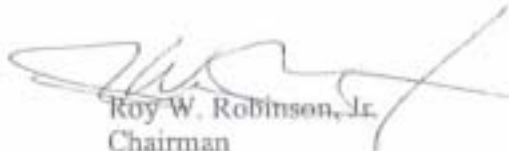
That an examination of the record indicates that an error in hearing the application at the local town committee occurred.

That the determination to deny the application should be annulled and a new hearing conducted by the Town Committee.

Determination:

As to Appeal #2004-8, the decision of the Dennis Committee is annulled. The application is returned to the Dennis Town Committee for a new public hearing (de novo) with publication and a new notice sent to all interested parties.

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 W. Robinson, Jr.
Chairman