

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

P.O. Box 140, Barnstable, Massachusetts 02630-0140

Tel: 508-775-1766

**Joseph and Michelle Holland, Appellant/Applicant**

**Vs.**

**Decision for Appeal No. 2011-1**

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

On Tuesday, March 8, 2011 at 1:30 P.M., the Commission held a hearing at the West Barnstable Fire Station Meeting Room, 2160 Meeting House Way (Route 149), West Barnstable, Massachusetts, on Appeal # 2011-1 filed by Joseph and Michelle Holland seeking reversal of a decision by the Barnstable Historic District Committee denying a Certificate of Appropriateness for proposed additions and alterations to a dwelling located at 24 George Street, Barnstable, Massachusetts.

Present were Chairman Peter T. Lomenzo, Jr., Dennis; William Collins, Sandwich; Richard Gegenwarth, Yarmouth; Lawrence Houghton, Brewster; George Jessop, Barnstable; James R. Wilson, Commission Administrative Counsel; and, Joseph Holland, Applicant/ Appellant.

Absent was Paul Leach, Orleans.

The Committee's decision was filed with the Town Clerk on December 23, 2010. The appeal was entered with the Commission on January 3, 2011, within the 10-day appeal period. Due to adverse winter weather conditions, the matter was continued by written consent to March 8, 2011.

Copies of the, Appeal Petition, Town's Decision, Application, Plans and Minutes from the Town Committee's hearing were distributed to the Commissioners for review.

**The Appellant/Applicant's Presentation:**

Joseph Holland addressed the Commission on behalf of the Applicant's appeal. He reviewed the proposed project and stated that the primary focus of the appeal was a dispute over the style of the proposed front and side dormers. He stated that the Town Committee after modifications had approved all of the proposed alterations except for the two bracketed doghouse dormers. He showed the Commissioners plans of the proposed dormers and claimed that the Town Committee had been wrong in its action in determining that the design was inappropriate.

He stated that the building was built in 1953 and suggested that it lacked any historical significance. He asserted that the proposed design would provide more detail and look "much nicer" than a simple generic shed dormer style.

Mr. Houghton asked if the disputed proposed dormers located on the front of the house and side of the garage were the same.

Mr. Holland indicated that they were similar except for the number of windows, with one having four windows in the middle and the other having three as they were shown on the submitted elevation plans.

**The Town Committee's Presentation:**

George Jessop addressed the Commission on behalf of the Barnstable Town Committee. He confirmed that the Town Committee denied the application because of a concern for the bracketed doghouse design style of the proposed dormers.

He stated that the failure to provide complete measurements on the plans was an additional factor in the denial. He expressed concern about the difficulty of enforcement when complete measurements and specifications are not submitted with the plans.

Mr. Jessop asserted that the dormer shape and design was not appropriate for the neighborhood. He indicated that the proposed dormer style was not common to the area and suggested that it would not be compatible.

**Commission Discussion:**

The members of the Commission reviewed the plans and other items submitted for review during the public hearing.

Chairman Peter Lomenzo invited the Commissioners to comment on the issues presented in the appeal.

Mr. Gegenwarth stated that he felt that the lack of measurements and specifications could be remedied by a late submission and expressed the opinion that the issue before the Commission was the appropriateness of the dormer design and style. He indicated that he observed that it was different from what he had observed in the neighborhood.

Mr. Houghton agreed that the issue for review was the determination by the Town Committee that the style of the proposed dormers was inappropriate for the neighborhood. He went on to suggest that he had visited the site and that he did not see an error in denying the application.

Mr. Collins expressed the opinion that while the Applicant and the Town Committee may disagree about neighborhood compatibility of the proposed dormer style, it did not appear to him that the Town Committee was being arbitrary or unreasonable in denying the application.

Chairman Lomenzo agreed that the omission of measurements could have been corrected, but that the conflict over the dormer style and design was an important issue for the Commission to address. In touching upon the five categories for consideration under Section 11 of the Act, he stated that it is not the Commission's role to substitute its judgment for that of a town committee. He indicated that it appeared that the Barnstable Town Committee had jurisdiction of the subject matter and did not exceed its authority or act in an arbitrary or capricious manner. He suggested that the Commissioners should consider whether or not the Barnstable Town Committee exercised poor judgment in denying the application.

Mr. Collins stated that in his opinion, an applicant and a town committee could disagree on whether a particular design or style is appropriate for a neighborhood. He suggested that he had visited the site and observed the character of the neighborhood. He expressed the opinion that the Barnstable Town Committee did not appear to have acted in an unreasonable manner in denying the application for the proposed dormers.

Mr. Houghton and Mr. Gegenwarth agreed with Mr. Collins that the Barnstable Town Committee had not exercised poor judgment in refusing to approve the dormers.

Mr. Collins moved, seconded by Mr. Houghton, to affirm the denial of a Certificate of Appropriateness for the proposed project.

The motion carried by a vote of 4-0-1. (Collins, Houghton, Gegenwarth & Lomenzo in favor; and Gessop abstaining)

**The Commission findings:**

The Commission found as follows:

The Town Committee acted reasonably and did not error in denying a Certificate of Appropriateness for the proposed dormers.

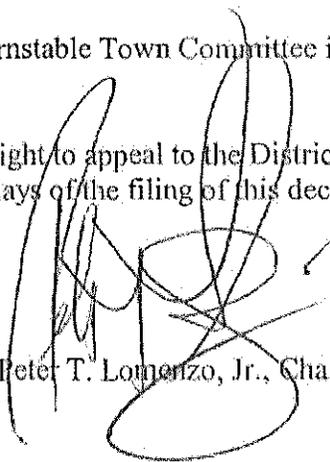
The application for a Certificate of Appropriateness should be denied.

**Determination:**

As to Appeal #2011-1, the decision of the Barnstable Town Committee in denying the application is affirmed. (4-0-1).

Any person aggrieved by this decision has a right to appeal to the District Court Department, Barnstable Division, within 20 days of the filing of this decision with the Barnstable Town Clerk.

Dated: March 18, 2011

  
Peter T. Lomenzo, Jr., Chairperson