

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

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

**Mark E. Hopkins, Applicant/Appellants**

**Vs.**

**Decision for Appeal No. 2016-3**

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

On Tuesday, May 24, 2016 at 1:30 P.M., the Commission held a hearing at the West Barnstable Fire Station Meeting Room, 2160 Meetinghouse Way (Route 149), West Barnstable, Massachusetts, on Appeal # 2016-3 filed by Mark E. Hopkins seeking reversal of the Dennis Town Committee's denial of a Certificate of Appropriateness for one (1) over one (1) replacement windows and requiring instead six (6) over one (1) windows to be located at 2 Chadwick Road, South Dennis, Massachusetts.

Present were Chairman Lawrence Houghton, Brewster; William Bohlin, Dennis; Mary Foley, Sandwich; Carrie Bearse, Barnstable; Richard Gegenwarth, Yarmouth; Ronald Mgrdichian, Orleans; and James R. Wilson, Commission Administrative Counsel. Absent was Mark E. Hopkins Applicant/Appellant.

The Dennis Town Committee's decision was filed with the Dennis Town Clerk on April 21, 2016. The appeal was entered with the Regional Commission on May 2, 2016, within the 10-day appeal period. The Commissioners had viewed the video of the April 20, 2016 Dennis Town Committee meeting, received a copy of the Town Committee's file, the appeal petition and were familiar with the neighborhood and location of the proposed window replacements.

**Applicant/Appellant's Presentation:**

Due to the Applicant/Appellant's oversight as to the scheduled date for the review hearing, the public hearing was conducted without the presence of the Applicant/Appellant. (See 972 CMR 1.04 Conduct of Appeals)

**Dennis Town Committee's Presentation:**

Mr. Bohlin addressed the Commission to describe the Dennis Town Committee's actions in denying the request for the omission of the window grills. He indicated that he felt that the Dennis Town Committee had compromised to allow the Applicant/Appellant to replace his twelve (12) over twelve (12) windows with six (6) over one (1) grills. He indicated that the other houses in the neighborhood were twelve (12) over twelve (12).

Ms. Bearse asked if the Dennis Town Committee had required window grills for other replacement window applications and Mr. Bohlin stated that the Dennis Town Committee did favor the use of grills on replacement windows.

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**Public Comment:**

Chairman Houghton asked for public comment on the appeal and there was none.

**Commission Discussion:**

Chairman Houghton closed the public hearing and asked the Commissioners to consider whether or not the Dennis Town Committee exceeded its authority or exercised poor judgment, was arbitrary, capricious, or erroneous in its action.

He called for a motion to vote on the appeal.

Ms. Bearse, seconded by Mr Gegenwarth, that the following findings be adopted and incorporated into the Regional Commission's decision.

**The Commission findings:**

The Commission found as follows:

1. The property is located within the Regional Historic District and the windows to be replaced presently have 12 over 12 grills.
2. Most of the houses in the neighborhood have 12 over 12 grills.
3. The proposed change to 1 over 1 windows would be incompatible and incongruous with the features of the other homes in the immediate surroundings.
4. The Commission finds that the Dennis Town Committee did not exceed its authority or exercise poor judgment,
5. The Commission finds that the Dennis Town Committee was not arbitrary, capricious, or erroneous in its action.
6. The Dennis Town Committee decision should be affirmed.

The motion carried by a vote of 5-0-1. (Houghton, Foley, Mgrdichian, Gegenwarth & Bearse in favor; and Bohlin abstaining)

**Commission's Determination:**

As to Appeal #2016-3, the Decision by the Dennis Town Committee in denying a Certificate of Appropriateness to Mark E. Hopkins for no grills in his replacement windows is affirmed. (5-0-1)

The Certificate of Appropriateness issued for six (6) over one (1) window replacements is affirmed. (5-0-1)

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.

Dated: May 31, 2016



Lawrence Houghton, Chairperson