



Old King's Highway Regional Historic District Commission

First District Courthouse, Barnstable, Mass. 02630

Telephone: 617-362-4092

DONALD H. SLEEPER, )  
 )  
 - Appellant - )  
 )  
 VS )  
 )  
 TOWN OF DENNIS OLD KING'S )  
 HIGHWAY REGIONAL HISTORIC )  
 DISTRICT COMMITTEE, )  
 )  
 - Appellee - )

DECISION ON APPEAL TO  
OLD KING'S HIGHWAY REG-  
IONAL HISTORIC DISTRICT  
COMMISSION

No. 77-6

A hearing was held on September 6, 1977 by the above commission on the appeal by Donald H. Sleeper from the decision of the Town of Dennis Historic District Committee denying a certificate of appropriateness to appellant for the erection and maintenance of a radio antenna at the rear of his house lot at No. 7, Anchor Lane, East Dennis.

From the evidence presented and a viewing of the premises it appeared that the radio antenna consists of a slender metal tower, 68 feet high, with several cross arms at or near the top, stabilized with several guy wires anchored at various points on appellant's lot. It was erected without the prior issuance of a building permit or certificate of appropriateness, and thereafter when the necessity for a certificate was brought to appellant's attention the application therefor was filed.

Appellant's and neighboring houses are, in general, modest, attractive " Cape Cod " or " Ranch " style buildings in the area of Scargo Hill and Scargo Tower, a prominent site and landmark of some historical importance. House lots appear to be about 100' x. 150' in size. Appellant's radio antenna extends far above the roof ridges of his and neighboring houses, and is highly visible from many public streets in the area and from considerable distances. While many neighboring houses are equipped with conventional television antennae none are comparable in visual impact to appellant's structure. Appellant suggested, by way of compromise, that his antenna might be lowered to a height of 48 feet, but it appeared that this would not effect a significant reduction in its unacceptable visual impact.

Appellant asserts a " constitutional right " to maintain his antenna in pursuit of his hobby. There is no such right where the structure involved is as grossly inappropriate to the neighborhood as that under consideration. The fact that the Dennis zoning by-law may recognize communication towers as an

accessory use in certain situations does not relieve any proposed structure within the historic district of the requirement of appropriateness.

For the foregoing reasons this Commission found that the Dennis town Committee properly denied the issuance of a certificate of appropriateness to appellant and unanimously voted to affirm the decision of that Committee. William G. Hanger of Dennis abstained from voting.

September 8, 1977

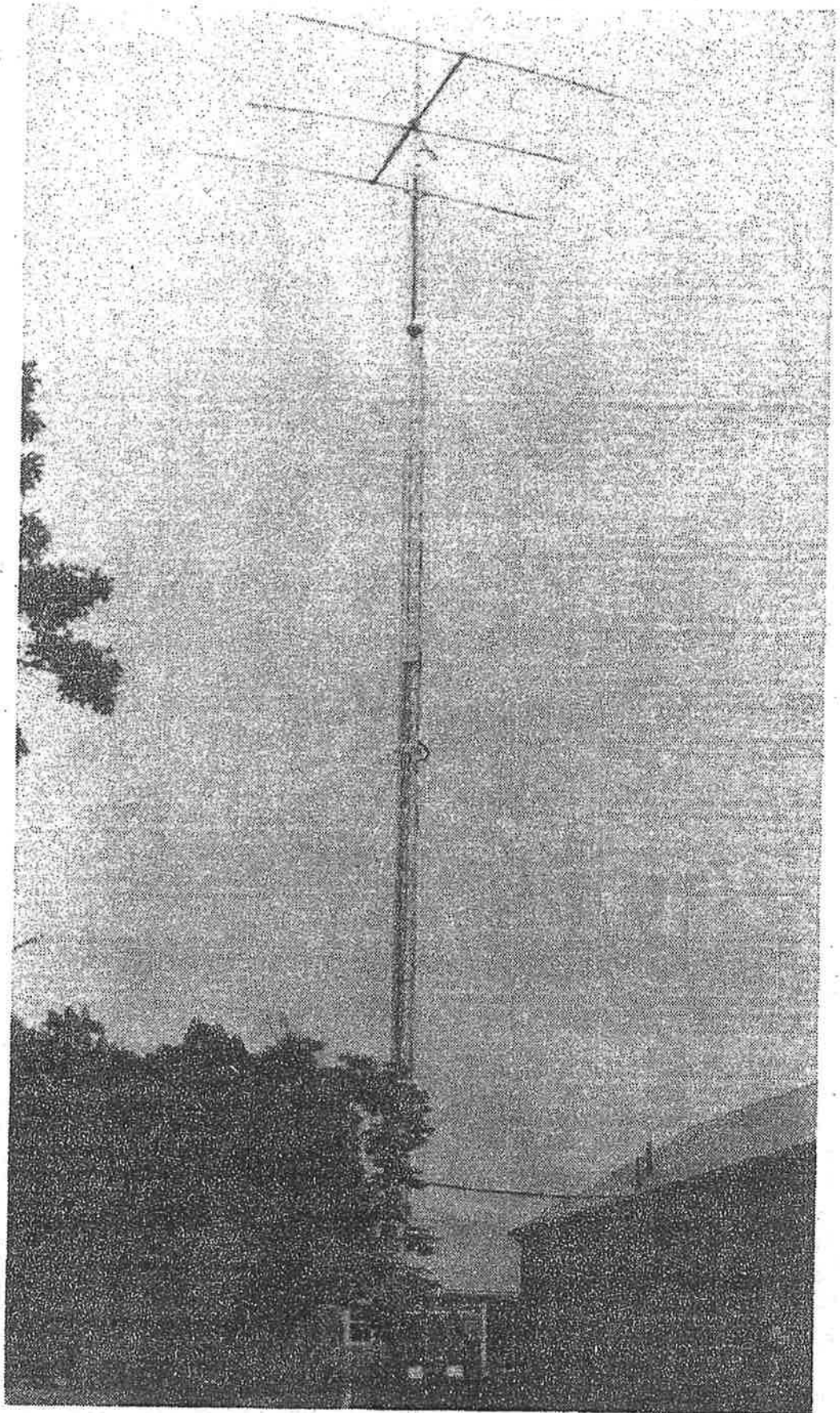
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Donald Bourne  
Commission Chairman

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TOWN CLERK-TREAS.  
TAX COLLECTOR  
TOWN OF DENNIS



**Controversial amateur radio tower is located in the residential Scargo Hill area of  
Dennis.**