

ARTHUR DUDEVOIR and  
GRACE DUDEVOIR

v.

Decision #96-2

OLD KING'S HIGHWAY REGIONAL HISTORIC  
DISTRICT COMMITTEE FOR THE TOWN OF  
DENNIS

On Tuesday, July 30, 1996 the Commission held a hearing on Appeal #96-2 filed by Arthur Dudevoir and Grace Dudevoir, seeking review of a decision by the Dennis Historic District Committee which had denied a Certificate of Appropriateness for the construction of a retaining wall to be located at 2 Match Point, Dennis, Massachusetts.

Present were Peter Freeman, Barnstable; Roy Robinson, Brewster; Marian Reilly, Sandwich; Chick Craig, Dennis; Robert Miller, Yarmouth; Robert G. Brown, Commission Counsel; and Arthur and Grace Dudevoir, Appellants.

The Committee's decision was filed with the Town Clerk on April 26, 1996. The appeal was entered with the Commission on May 6, 1996 within the 10 day appeal period. The appeal was the subject of a prior hearing on May 28, 1996 at which time no one was present to present the appeal. Upon notification by the Appellants that they did not receive notice of the hearing, the Commission voted unanimously to reconsider the previous decision and conduct a new hearing.

In the absence of the Chairman, the Vice-Chairman presided over the hearing.

**THE APPELLANTS' PRESENTATION:**

Arthur Dudevoir, Appellant, addressed the Commission in favor of the appeal. He displayed pictures of his home and the other homes in the area where railroad ties were in use. He described the railroad ties as being necessary to fully dress the house. He complained that the Builder/Architect member of the Committee viewed the installation of the railroad ties. He asked that the appeal be allowed.

**THE COMMITTEE'S PRESENTATION:**

Chick Craig, representing the Dennis Committee, addressed the Commission to explain the Dennis Committee's reasons for denial. He displayed both black & white and color photos of other homes in the area. He stated that the ties dominated the landscaping and, at the very least, needed to be lowered. He responded to the Appellant's criticism of the Builder/Architect member of the Committee by stating that the Builder/Architect member of the Committee abstained from participation in the hearing and left the hearing room during the hearing. He asked that the appeal be denied.

**DISCUSSION:**

In discussion among Commission members it was felt that the Dennis Committee clearly had a sustainable reason for denying the Certificate of Appropriateness as the railroad ties in question, when viewed from the front of the property, gave a fortress-like look to the premises which detracted from the rest of the neighborhood.

**FINDINGS:**

The Commission made the following Findings of Fact:

1. That the Dennis Committee did not act in an erroneous manner in denying the Applicant's application for a Certificate of Appropriateness. 4-0-1.
2. That the Dennis Committee had a sustainable reason, as stated above, for denying the Certificate of Appropriateness. 4-0-1

**DETERMINATION:**

Based on the above findings, the appeal is denied.

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.

Peter L. Freeman  
Vice-Chairman