

KATHERINE GATES

v.

Decision #96-9

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

On Tuesday, November 19, 1996 the Commission held a hearing on Appeal #96-9 filed by Katherine Gates, seeking review of a decision by the Dennis Historic District Committee which had denied a Certificate of Appropriateness for a sign to be located at 140 Route 6A, East Dennis, Massachusetts.

Present were Peter Freeman, Barnstable; Roy Robinson, Brewster; Virginia Amidon, Sandwich; Robert Miller, Yarmouth; Chick Craig, Dennis; Robert G. Brown, Commission Counsel; Marian Chase, Abutter to the Appellant; and Kent Sargent, Agent for the Appellant.

The Committee's decision was filed with the Town Clerk on September 26, 1996. The appeal was entered with the Commission on October 4, 1996 within the 10 day appeal period. The 30 day determination period was waived by agreement.

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

THE APPELLANT'S PRESENTATION:

Kent Sargent, Agent for the Appellant, addressed the Commission in favor of the appeal. He said that it was necessary to have a sign to mark the location of the cranberry bog which he leases. He said the owners of the bog have a Land Court right of way over the property of the Chases who abut the property of Katherine Gates, on whose property the sign is on. The sign itself is non-reflective metal with a brown background and is similar to municipal signs used in the Town of Dennis.

THE COMMITTEE'S PRESENTATION:

Chick Craig, representing the Dennis Committee, addressed the Commission to explain the Dennis Committee's reasons for denial. He said that he had not been at the hearing at which this application was discussed. He said he had examined criteria for signs and determined that the color brown could be used for a sign such as this. He said he felt that the best resolution would be to remand the matter to the Dennis Committee.

DISCUSSION:

Marian Chase, an abutter to the property of Katherine Gates, addressed the Commission in opposition to the appeal. She stated that she was in opposition to the appeal as she and her husband had not been consulted prior to the erection of the sign. She said that the sign that was erected invites persons to travel across their property and the resulting traffic is annoying. She said that the design of the sign is commercial in nature and does not belong in a residential area.

In general discussion among the public, it was felt that the sign was inappropriate in that it was metal. A wooden sign would be more appropriate.

In discussion among Commission members it was felt that the Dennis Committee had used poor judgment in its reasoning for the disapproval of the application. While the Committee may not agree with the content of a sign, it is not a factor in appropriateness. As such, the Commission felt that the Committee did not have a sustainable reason for disapproving the application. Nevertheless, the Commission felt that the matter could be settled at the local level and that a remand would be the best disposition of the case.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the Dennis Committee used poor judgment in denying the Appellant's application for a Certificate of Appropriateness.
4-0-1.
2. That the matter be remanded to the Dennis Committee for further proceedings. 4-0-1.

DETERMINATION:

Based on the above findings, the matter has been remanded to the Dennis Committee for further proceedings.

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