

**CLARENCE YORK**

**v.**

**Decision #96-10**

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

On Tuesday, January 14, 1997 the Commission held a hearing on Appeal #96-10 filed by Clarence York, seeking review of a decision by the Dennis Historic District Committee which had denied a Certificate of Appropriateness for an addition to a home located at 60 Sesuit Road, East Dennis, Massachusetts.

Present were Peter Freeman, Barnstable; Roy Robinson, Brewster; Marian Reilly, Sandwich; Robert Miller, Yarmouth; Chick Craig, Dennis; Christopher Miner, Orleans; Robert G. Brown, Commission Counsel; Robert Waldo, Attorney for the Appellant; Daniel Reeves, Agent for the Appellant; Clarence York, Appellant; and many interested members of the public.

The Committee's decision was filed with the Town Clerk on September 26, 1996. The appeal was entered with the Commission on October 7, 1996 within the 10 day appeal period. The 30 day determination period was waived by agreement.

**THE APPELLANT'S PRESENTATION:**

Robert Waldo, Attorney for the Appellant, addressed the Commission in favor of the appeal. He said that the Appellant had submitted a plan to the Dennis Committee which called for a 200 square foot addition to be divided in three areas of the house (dining room, bath and entry way) and also called for the construction of a tower. He displayed pictures of the Appellant's house as well as other homes in the neighborhood and also displayed an artist's rendering of the house.

Addressing the design of the home, Attorney Waldo displayed a copy of Architectural Digest magazine which showed the evolution of a similar house in the Hamptons section of Long Island, New York and said that the Appellant was planning a similar design which would be well in keeping with Cape Cod.

Addressing the Committee's reasons for denial, he said that the Committee's claim that the house would not be in keeping with the architectural style of the neighborhood is an error as there is no clear architectural style in the area. With regard to the building's visibility and style, Attorney Waldo stated that the building is not as visible as the Committee would claim and is also not a contemporary style home as there are many examples of buildings with towers on Cape Cod. He said that the back door to the house would remain unchanged and the front door would be changed to a french door, of which there are many in the neighborhood. He said that the house itself is not historic and that the changes proposed by the Appellant would make the house more compatible to Cape Cod.

In closing he said that if you look at houses on Cape Cod it is difficult to understand the decision of the Committee. He asked that the Appeal be allowed.

Clarence York, Applicant, addressed the Commission in favor of the Appeal. He said that he was surprised that the Committee denied the original plan. He said the original application was a beautiful plan that would be an asset to the neighborhood.

**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 displayed pictures of the other homes in the area and said that the Andrews' home which had been earlier discussed was a mistake made by an earlier committee and had caused many problems. He displayed the plans that had been presented to the Committee and said that the artist's rendering that had been presented to the Commission had not been presented to the Committee. He read from the Committee's decision and said that he felt that the Committee had not erred in its determination.

Pat Rothermel, a member of the Dennis Committee, addressed the Commission in opposition to the appeal. She said that when the original plans were submitted to the Committee, the Committee asked if changes could be made to the plans. Alternate plans were never presented to the Committee and the Committee cast its vote based on the original plans. She also stated that the artist's rendering displayed before the Commission had never been displayed to the Committee.

**DISCUSSION:**

Peter Freeman, a member of the Commission from the Town of Barnstable, stated that the Architectural Digest article was evocative of some parts of Cape Cod, but most likely the south side of Cape Cod in the Osterville area. He said that designs such as this are not common to the historic district and are not evocative of the early days of Cape Cod. He said that the Commission must find an actual error with regard to the findings of the Dennis Committee and he said he could see no error. He said that if homes such as this pop up all over the district, the character of the district will be changed and something very precious will have been lost.

In general discussion among the public, it was pointed out that the home on Stephen Phillips Road were smaller and more evocative of the early days of Cape Cod than homes located on cul-de-sacs located off Stephen Phillips Road which tended to be larger. It was also stated that towers on Cape Cod were historically found in such structures as lifesaving stations and old fire stations where they were needed to hang hoses to dry.

In discussion among Commission members there was general agreement among the Commission members that the house was not appropriate for the historic district and that the Dennis Committee had sustainable reasons for denying the Appellant's Certificate of Appropriateness.

**FINDINGS:**

The Commission made the following Findings of Fact:

1. That the Dennis Committee did not act in an arbitrary, capricious or erroneous manner, or use poor judgment in denying the Appellant's application for a Certificate of Appropriateness. 5-0-1.
2. That the Dennis Committee had sustainable reasons for acting in denying the Appellant's application for a Certificate of Appropriateness as the house would not be compatible with or appropriate in the historic district. 5-0-1.
3. That the appeal be denied. 5-0-1.

**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.

Christopher R. Miner  
Chairman