

DOUGLAS McCracken

v.

Decision #96-11

**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 #96-11 filed by Douglas McCracken, seeking review of a decision by the Dennis Historic District Committee which had denied a Certificate of Appropriateness for an addition to a building located at 94 Hillside Drive, Dennis, Massachusetts.

Present were Peter Freeman, Barnstable; Roy Robinson, Brewster; Virginia Amidon, Sandwich; Robert Miller, Yarmouth; Chick Craig, Dennis; Robert G. Brown, Commission Counsel; and Richard Fenuccio, Agent for the Appellant.

The Committee's decision was filed with the Town Clerk on October 11, 1996. The appeal was entered with the Commission on October 20, 1996 within the 10 day appeal period.

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

THE APPELLANT'S PRESENTATION:

Richard Fenuccio, Agent for the Appellant, addressed the Commission in favor of the appeal. He identified himself as the architect for the project and said that the reason for the disapproval was that the Committee felt that a widow's walk was inappropriate for a gable roof, however, there was plenty of precedent for such a design. He displayed pictures of a home in Hyannis Port and also pictures of two homes in the Dennis Historic District. He said that he did his best to design the widow's walk using proper materials and 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 said that the widow's walk on a house such as this would be very inappropriate in an historic district. He read from the Nantucket Historic District Commission Guidebook which stated that widow's walks are discouraged on homes of this size.

DISCUSSION:

In general discussion among the public, it was felt that the widow's walk would be totally inappropriate on a house as small as this.

In discussion among Commission members it was felt that the Dennis Committee was not arbitrary, capricious or used poor judgment as the house in question was small and the examples cited by the Appellant were larger homes of at least two stories. As such, the Committee had a sustainable reason for acting as they did and should be upheld.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the Dennis Committee did not act in an arbitrary, capricious, or erroneous manner in denying the Appellant's application for a Certificate of Appropriateness.
4-0-1.
2. That the Dennis Committee had a sustainable reason for denying the application for the Certificate of Appropriateness, based on the reasons stated in the above discussion. 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