

**CHRISTINE L. BOYER**

**v.**

**Decision #97-5**

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

On Tuesday, April 22, 1997 the Commission held a hearing on Appeal #97-5 filed by Christine L. Boyer, seeking review of a decision by the Dennis Historic District Committee which had denied a Certificate of Appropriateness for the construction of a building to be located at 66 Judith Ann Road, Dennis, Massachusetts.

Present were Peter Freeman, Barnstable; Marian Reilly, Sandwich; Robert Miller, Yarmouth; Seth Crowell, Dennis; Robert G. Brown, Commission Counsel; and Christine L. Boyer, Appellant.

The Committee's decision was filed with the Town Clerk on March 28, 1997. The appeal was entered with the Commission on April 4, 1997 within the 10 day appeal period.

**THE APPELLANT'S PRESENTATION:**

Christine L. Boyer, Appellant, addressed the Commission in favor of the appeal. She said she and her husband had purchased the lot in question with a two car under foundation and a septic system already in place and were restricted as to what they could put on the foundation. She took issue with the Dennis Committee's determination that the proposed house would not be in keeping with the rest of the neighborhood, using reduced plans and pictures of the other houses in the neighborhood as evidence that the house would be in keeping with the neighborhood. She asked that the appeal be allowed.

**THE COMMITTEE'S PRESENTATION:**

Seth Crowell, representing the Dennis Committee, addressed the Commission to explain the Dennis Committee's reasons for denial. Mr. Crowell stated that the Committee felt that the house was not a Cape Cod style of house and that it would not be in keeping with the adjacent structures in the neighborhood. He agreed there are some inappropriate structures in the neighborhood but felt this building would not add to the neighborhood.

**DISCUSSION:**

In discussion among Commission members there was consensus that the proposed design would not be in keeping with the neighborhood. Commission members agreed that there were inappropriate buildings in the area but felt the Historic District Act had the intent of encouraging appropriate structures rather than inappropriate ones. As such, the Commission felt the Dennis Committee had a rational basis for its decision.

**FINDINGS:**

Upon Motion duly made and seconded, 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 Applicant's application for a Certificate of Appropriateness. 3-0-1.
2. That the Dennis Committee had sustainable reasons for acting in denying the Applicant's application for a Certificate of Appropriateness as the proposed design would be inappropriate with the surrounding neighborhood. 3-0-1.
3. That the appeal be denied. 3-0-1.

**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  
Chairman