

CALLIE STORM and SANFORD STORM

v.

Decision #97-9

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

On Tuesday, July 15, 1997 the Commission held a hearing on Appeal #97-9 filed by Callie Storm and Sanford Storm, seeking review of a decision by the Dennis Historic District Committee which had denied a Certificate of Appropriateness for the construction of a fence to be located at 973 Main Street, Dennis, Massachusetts.

Present were Christopher Miner, Orleans; Michael Hart, Sandwich; Robert Miller, Yarmouth; Seth Crowell, Dennis; Roy Robinson, Brewster; Robert G. Brown, Commission Counsel; and Callie Storm and Sanford Storm, Appellants.

The Committee's decision was filed with the Town Clerk on May 23, 1997. The appeal was entered with the Commission on May 30, 1997 within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Callie Storm and Sanford Storm, Appellants, addressed the Commission in favor of the appeal. They said the current fence in front of their house has rotted to the point where it is ready to fall down. They would like to replace the fence with a four foot high natural split rail fence. There are many other examples of split rail fences in the area and they do not feel that replacing their current fence with a split rail fence will be inappropriate.

THE COMMITTEE'S PRESENTATION:

Seth Crowell, representing the Dennis Committee, addressed the Commission to explain the Dennis Committee's reasons for denial. Mr. Crowell agreed with the Appellants that the current fence was in very poor condition, however, a majority of the Committee felt that it would not be in keeping with the historic district to lose such an ornamental fence.

DISCUSSION:

In discussion among Commission members and the Commission Counsel there was discussion as to whether or not the fence was actually exempt. After reviewing the regulations, the Commission members felt that requested fence was, indeed, exempt from regulation.

FINDINGS:

Upon Motion duly made and seconded, the Commission made the following Findings of Fact:

1. That the Dennis Committee used poor judgment in denying the Applicants' application for a Certificate of Appropriateness.
4-0-1.

2. That the Dennis Committee did not have a sustainable reason for denying the Applicants' application for a Certificate of Appropriateness as the requested fence was exempt from regulation.
4-0-1.

3. That the appeal be allowed. 4-0-1.

DETERMINATION:

Based on the above findings, the appeal is allowed.

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.

Robert N. Miller
Vice-Chairman