

F. THEODORE KOEHLER

v.

Decision #97-10

**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 F. Theodore Koehler, seeking review of a decision by the Dennis Historic District Committee which had denied a Certificate of Appropriateness for alterations to a building located at 20 Paddock's Path, Dennis, Massachusetts.

Present were Christopher Miner, Orleans; Michael Hart, Sandwich; Robert Miller, Yarmouth; Seth Crowell, Dennis; Roy Robinson, Brewster; Robert G. Brown, Commission Counsel; Eugene R. Curry, Attorney for the Appellant; and F. Theodore Koehler, Appellant.

The Committee's decision was filed with the Town Clerk on June 12, 1997. The appeal was entered with the Commission on Monday, June 23, 1997 within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Eugene R. Curry, Attorney for F. Theodore Koehler, Appellant, addressed the Commission in favor of the appeal. He said the Appellant had replaced a double-hung window on the front of his house at 20 Paddocks Path with a casement window. Admittedly, the change was done without approval of the Dennis Committee. The reason for the change is due to personal hardship in that Mrs. Koehler is suffering from a debilitating illness and needed a window with a crank so that she could open it. He said the area has a posted speed limit of 45 MPH and, at that speed, it would be very difficult to see the difference.

F. Theodore Koehler, Appellant, addressed the Commission in favor of the appeal. He explained the history of the house and also described his wife's condition in detail.

THE COMMITTEE'S PRESENTATION:

Seth Crowell, representing the Dennis Committee, addressed the Commission to explain the Dennis Committee's reasons for denial. Mr. Crowell did not dispute the fact the Appellant had a personal hardship, however, he said the Committee felt the area was a sensitive one of great history and a change such as this would be inappropriate.

DISCUSSION:

In discussion among Commission members there was great sympathy for the undisputed condition of Mre. Koehler. It was felt the matter could be best handled via a temporary Certificate of Appropriateness and that the Commission should consider the adoption of new regulations addressing matters such as these. It was felt the matter could best be handled by the Dennis Committee and a remand was appropriate.

FINDINGS:

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

That the matter be remanded to the Dennis Committee for further proceedings.

DETERMINATION:

Based on the above findings, the matter is remanded to the Dennis Committee.

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