

DORIS B. CLARK

v.

Decision #97-15

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

On Tuesday, September 16, 1997 the Commission held a hearing on Appeal #97-15 filed by Doris B. Clark, seeking review of a decision by the Dennis Historic District Committee which had denied a Certificate of Appropriateness for the installation of vinyl siding on a building located at 69 Signal Hill Drive, Dennis, Massachusetts.

Present were Marian Reilly, Sandwich; Robert Miller, Yarmouth; Seth Crowell, Dennis; Roy Robinson, Brewster; Robert G. Brown, Commission Counsel; and Roger Clark and Doris Clark, Appellants.

The Committee's decision was filed with the Town Clerk on August 14, 1997. The appeal was entered with the Commission on August 23, 1997 within the 10 day appeal period.

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

THE APPELLANT'S PRESENTATION:

Roger Clark, Appellant, addressed the Commission in favor of the appeal. He said he had called the Dennis Town Offices to inquire about vinyl siding and was told that it was legal. He said he had received estimates from two contractors who both told him the use of vinyl was legal in the district. He cited the Dennis Union Church as well as a new home in his neighborhood that were equipped with vinyl siding. He said he wanted to have a lower maintenance cost and have the house protected.

THE COMMITTEE'S PRESENTATION:

Seth Crowell, Chairman of the Dennis Committee, addressed the Commission to explain the Committee's reasons for denial. He said that a majority of the Committee felt that the house was in good shape as it was and the Commission Guidelines do discourage vinyl siding.

He did state that the street was not historic.

DISCUSSION:

In discussion among members of the Commission, a majority of the Commission felt that the Commission's Guidelines had been written for situations such as this and the Committee's decision contained no sustainable reason for affirmation. This particular home in this particular neighborhood should have been approved.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the Dennis Committee used poor judgment in denying the Appellant's application for a Certificate of Appropriateness. 3-0-1.
2. That the appeal be allowed. 3-0-1.

DETERMINATION:

Based on the above findings, the appeal is allowed and a superceding Certificate of Appropriateness is issued based on plans on file with 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