

**EVERETT JACK WOODWORTH and Others**

**v.**

**Decision #97-16**

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

On Tuesday, October 21, 1997 the Commission held a hearing on Appeal #97-16 filed by Everett Jack Woodworth and Others, seeking review of a decision by the Dennis Historic District Committee which had allowed a Certificate of Appropriateness to Highland Realty Trust for the construction of a new building to be located at 57 Highland Drive, East Dennis, Massachusetts.

Present were Marian Reilly, Sandwich; Robert Miller, Yarmouth; Paul San Clemente, Dennis; Roy Robinson, Brewster; Peter L. Freeman, Barnstable; Robert G. Brown, Commission Counsel; Duane P. Landreth, Counsel for the Appellants; Everett Jack Woodworth, Appellant; Nathan Fales, Appellant; and several interested members of the public.

The Committee's decision was filed with the Town Clerk on September 16, 1997. The appeal was entered with the Commission on September 26, 1997 within the 10 day appeal period.

**THE APPELLANT'S PRESENTATION:**

Duane P. Landreth, Attorney for the Appellants, addressed the Commission in favor of the appeal. He displayed photos of the house and the area in question and said that the appeal is not a "view" case but is a "scale" case. He said there is gentrification in the neighborhood but that it still has the character of a beach area with a nice scale. The proposed house is out of scale with the remainder of the area. This case is about the harmony of the area which should be maintained by the Committee and the Commission.

**THE COMMITTEE'S PRESENTATION:**

Paul San Clemente, representing the Dennis Committee, addressed the Commission to explain the Committee's reasons for approval. He said that, in looking at the design plan, the original house was near the same size as the proposed house. He said the proposed house is at an elevation of 42 feet while the current house is 41.1 feet. He said the Committee felt that the basic plan of the house is pretty much that of a normal Cape. The Committee did not feel that the design was an assault on scale and would be comparable to others in the area.

**THE APPLICANT'S PRESENTATION:**

Chuck DeLuga, representing Highland Realty Trust, addressed the Commission in opposition to the appeal. He said that all of the Appellants have two-story homes and that the basis of the appeal is, indeed, the loss of the Appellants' oceanview. He displayed pictures of other homes in the area and said that the architecture of the area had been established. He said that a minimal amount of fill would be used and that it would help the water problem in the area.

**DISCUSSION:**

In discussion among the members of the public, Nathan Fales, a Co-Appellant, addressed the Commission in favor of the appeal. He said that all houses in the area were 1.5 story homes and that there was only one two-story home in the area. He said that the proposed house is not a good example of Cape Cod architecture and that the proposed white columns were not appropriate for Cape Cod.

Jane Stevens, a member of the Dennis Historic District Committee, addressed the Commission in opposition to the appeal. She said the first plan was much larger and had much more mass and that this plan was much better.

In discussion among members of the Commission, a majority of the Commission felt that the area in question did not have a special style of architecture that would be violated if this house were to be approved. As such, the Commission felt the Committee had sustainable reasons for approval and the decision of the Committee should be upheld.

**FINDINGS:**

The Commission made the following Findings of Fact:

1. That the Dennis Committee was not arbitrary, capricious or using poor judgment in approving the Applicant's application for a

Certificate of Appropriateness. 3-0-1.

2. That the Dennis Committee had sustainable reasons for acting as they did, to wit: the design of the house, in comparison to others in the area, was compatible and not of a vastly different size or scale.

3. That the appeal be denied. 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  
Chairman