

**RAYMOND and BARBARA MELBOURNE**

**v.**

**Decision #97-17**

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

On Tuesday, November 4, 1997 the Commission held a hearing on Appeal #97-17 filed by Raymond and Barbara Melbourne, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for alterations to a building located at 46-48 Woodcock Lane, East Dennis, Massachusetts.

Present were Marian Reilly, Sandwich; Robert Miller, Yarmouth; Seth Crowell, Dennis; Roy Robinson, Brewster; Peter L. Freeman, Barnstable; Robert G. Brown, Commission Counsel; and Kenneth Willet, Agent for the Appellants.

The Committee's decision was filed with the Town Clerk on October 10, 1997. The appeal was entered with the Commission on October 15, 1997 within the 10 day appeal period.

**THE APPELLANT'S PRESENTATION:**

Kenneth Willett, Agent for the Appellants, addressed the Commission in favor of the appeal. He said that the original application had been for the use of vinyl siding with aluminium trim. He said this was his clients' choice. He said that the vinyl would look good and would save his clients money in the years to come as there would be a minimal need for maintenance to the outside of the house. He also said there were many instances of precedent in the general area with regard to the use of vinyl siding.

**THE COMMITTEE'S PRESENTATION:**

Seth Crowell, representing the Dennis Committee, addressed the Commission to explain the Committee's reasons for denial. He said he was not present at the hearing on this application, however, from reading the minutes it appeared as though the Committee had denied the application because there was not enough historical material used.

**DISCUSSION:**

In discussion among the members of the public, Paul San Clemente, a member of the Dennis Committee addressed the Commission in favor of the appeal. He said the area where this house is located at a post World War II neighborhood and the house itself is not located anywhere near any other building more than 50 years old. He said he did not have a problem with vinyl on this house.

In discussion among members of the Commission, there was a consensus that the use of vinyl in this instance would not affect the integrity of the District so long as certain precautions were taken.

**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. 4-0-1.
2. That the appeal be allowed and a Superceding Certificate of Appropriateness issue based on plans on file with the Dennis Committee and also subject to the condition that there be no "J-Channels" used and that the Appellants also conform to the Guidelines of the Regional Commission with regard to the use of vinyl. 4-0-1.

**DETERMINATION:**

Based on the above findings, the appeal is allowed and a Superceding Certificate of Appropriateness is issued subject to the above conditions.

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