

DALE ENDRIS & JANET ENDRIS

v.

Decision #97-21

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

On Tuesday, December 23, 1997 the Commission held a hearing on Appeal #97-21 filed by Dale Endris & Janet Endris, seeking review of a decision by the Dennis Historic District Committee allowing a Certificate of Appropriateness to Jean Linxweiler for the construction of a new house and garage to be located at 37 School Street, East Dennis, Massachusetts.

Present were Edward Molans, Barnstable; Robert Miller, Yarmouth; Seth Crowell, Dennis; Roy Robinson, Brewster; Robert G. Brown, Commission Counsel; William C. Henchy, Attorney for the Appellants; Dale Endris and Janet Endris, Appellants; Lester J. Murphy, Attorney for the Applicant; Robert McPhee, Agent for the Applicant; and many interested members of the public.

The Committee's decision was filed with the Town Clerk on November 14, 1997. The appeal was entered with the Commission on November 22, 1997 within the 10 day appeal period.

Due to the absence of the Chairman, the Vice-Chairman presided over the hearing.

THE APPELLANT'S PRESENTATION:

William C. Henchy, Attorney for the Appellants, addressed the Commission in favor of the appeal. He distributed a brief memorandum in support of his clients' position and also distributed photographs of the area. He said the decision of the Dennis Committee should be reversed as the decision, if upheld, would introduce an incongruent structure into a very cohesive area. While there are some modern homes in the area, they were built before the effective date of the Act and the area itself is a charming one of antique homes that has escaped the development of other areas. Neighborhoods such as this were the reason the District was established. He specifically cited the long roofline and the garage doors which he cited as being industrial

looking. While this home would look very good in many other areas, the approval of this home would be a detriment to the integrity and cohesiveness of the area. He said the Dennis Committee had exercised poor judgment in its decision and should be reversed.

THE COMMITTEE'S PRESENTATION:

Seth Crowell, representing the Dennis Committee, addressed the Commission to explain the Committee's reasons for approval. He said the first plan presented before the Committee had many objectionable items and was withdrawn. The second application addressed these objections. Three members of the Committee could not find enough reason to deny the application and it was approved on a 3-0 vote.

DISCUSSION:

In general discussion, Lester J. Murphy, Attorney for the Applicant, addressed the Commission in opposition to the appeal. He stated that Jean Linxweiler had spent a lot of time in this area in her youth and would not want to build an inappropriate home. In addition, he stated that there is no cohesive architectural scheme in this area.

Many members of the public who addressed the Commission were in favor of the appeal, stating the Committee and Commission should not allow new and contemporary styles of architecture in a unique historic area.

In discussion among members of the Commission, there was a consensus that the Committee had a sustainable reason for its actions and should not be reversed. In general it was felt that there was a diverse architectural scheme to the area and that this house would not detract from it. In the words of Vice-Chairman Miller, "This home will not look like the others and the others will not look like each other." Further, some Commissioners felt that in their capacity as an appellate board they could not agree that the Dennis Committee had acted in an arbitrary, capricious or erroneous manner or had used poor judgment.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the Dennis Committee did not act in an arbitrary, capricious or erroneous manner or use poor judgment in allowing the Applicant's request for a Certificate of Appropriateness. 3-0-1.
2. That Dennis Committee had a sustainable reason for its decision to approve the Applicant's Certificate of Appropriateness as the Dennis Committee had outlined their objections to the first application and the Applicant had addressed these objections. 3-0-1.

3. That the appeal be denied. 3-0-1.

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.

Robert N. Miller
Vice-Chairman