

JOHN C. MONROE & CYNTHIA STEAD

v.

Decision #97-22

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

On Tuesday, January 6, 1998 the Commission held a hearing on Appeal #97-22 filed by John C. Monroe & Cynthia Stead, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness to for alterations to a building located at 16 Fairview Ave., Dennis, Massachusetts.

Present were Peter Freeman, Barnstable; David Moeller, Yarmouth; Seth Crowell, Dennis; Roy Robinson, Brewster; Marian Reilly, Sandwich; Robert G. Brown, Commission Counsel; John C. Monroe & Cynthia Stead, Appellants; 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.

THE APPELLANT'S PRESENTATION:

Cynthia Stead, Co-Appellant, addressed the Commission in favor of the appeal. She introduced her husband, John C. Monroe, and said they wanted to place a skylight on the second floor of their house at 16 Fairview Ave.. She displayed photos of other homes in the neighborhood and said there was nothing historic about the immediate neighborhood. She also said it was not practical to place the skylight on the rear of the house.

THE COMMITTEE'S PRESENTATION:

Seth Crowell, representing the Dennis Committee, addressed the Commission to explain the Committee's reasons for denial. He said the minutes of the meeting indicate that the Committee members were opposed to skylights on the front of the house. A motion to approve did not have a second and there was no other action taken.

DISCUSSION:

In discussion among members of the Commission, there was a consensus that the Committee had erred in that no determination had been made. The only action taken was that of a motion to approve which did not receive a second and was never voted on. As such, the Commission felt the application had been approved via failure to act within the statutory 45 day period.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the Dennis Committee failed to act within the statutory 45 day period with regard to the Appellants' application. 4-0-1.
2. That due to the Committee's failure to act within the statutory 45 day period, the Appellants' application has been constructively approved. 4-0-1.
3. That the appeal be allowed. 4-0-1.

DETERMINATION:

Based on the above findings, the appeal is allowed.

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