

THOMAS WROE and CANDICE WROE

v.

Decision #98-3

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

On Tuesday, April 28, 1998, the Commission held a hearing on Appeal #98-3 filed by Thomas Wroe and Candice, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for alterations to a building located at 297 Sesuit Neck Road, East Dennis, Massachusetts.

Present were Edward Molans, Barnstable; William Quinn, Orleans; Elizabeth Wilcox, Dennis; Roy Robinson, Brewster; Marian Reilly, Sandwich; Robert G. Brown, Commission Counsel; James H. Quirk, Jr., Esquire, Attorney for the Appellants; and Candice Wroe, Appellant.

The Committee's decision was filed with the Town Clerk on March 27, 1998. The appeal was entered with the Commission on April 3, 1998 within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

James H. Quirk, Jr., Attorney for the Appellants, addressed the Commission in favor of the appeal. He explained that the original application had been approved with no grilles. He displayed a photograph of the house in question and explained that due to the design and location of the house, the lack of window grilles will have no impact on the District. He stated that the decision of the Dennis Committee was arbitrary and capricious due to the location of the house in terms of the roadway. Very little, if any, of the house can be seen and approximately 30 other homes in the area do not have window grilles. He said the decision of the Dennis Committee amounted to a matter of personal taste more than a question of historic appropriateness. He said his clients' request should have been allowed and asked the Commission to reverse the decision of the Dennis Committee.

THE COMMITTEE'S PRESENTATION:

Elizabeth Wilcox, representing the Dennis Committee, addressed the Commission to explain the Committee's reasons for denial. She said the Committee voted to uphold the previously approved plan. She said window grilles are encouraged north of Route 6A and, since the time this house was approved, other homes in the neighborhood have been approved with grilles. The effect on the inside of the house is not something that is within the jurisdiction of the Committee. With regard to the claim that little, if any, of the house can be seen from the road, that is because there are trees blocking the view. However, the Committee does not consider trees or other natural vegetation to be permanent structures.

DISCUSSION:

Following the presentations there was considerable discussion with regard to whether the matter should be remanded. A consensus of the Commission felt that the matter could be settled and that the matter should be remanded to the Dennis Committee for further proceedings.

FINDINGS:

With Regard to Appeal #98-03 the Commission voted to remand the matter to the Dennis Committee for further proceedings. (4-0-1).

DETERMINATION:

As to Appeal #98-03, the matter has been remanded to 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.

Marian Reilly
Chair