

KATHY TUMMILLO and ROBERT TUMMILLO

v.

Decision #98-5

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

On Tuesday, May 26, 1998, the Commission held a hearing on Appeal #98-5 filed by Kathy Tummillo and Robert Tummillo, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for alterations to a building located at 29 Courier Drive, Dennis, Massachusetts.

Present were Peter L. Freeman, Barnstable; William Quinn, Orleans; Seth Crowell, Dennis; Roy Robinson, Brewster; Marian Reilly, Sandwich; David Moeller, Yarmouth; Robert G. Brown, Commission Counsel; and Kathy Tummillo and Robert Tummillo, Appellants.

The Committee's decision was filed with the Town Clerk on April 23, 1998. The appeal was entered with the Commission on April 30, 1998 within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Kathy Tummillo, Appellant, addressed the Commission in favor of the appeal. She explained that the appeal concerned the installation of new windows. She said the house was about ten years old and the windows were leaking. She and her husband wanted flat pane windows on both the first and second floor. They got approval for the first floor but not the second floor as the Committee wanted double hung windows in the second floor. She distributed photos of her home and others in the area.

THE COMMITTEE'S PRESENTATION:

Seth Crowell, representing the Dennis Committee, explained the Dennis Committee's reasons for denial. Reading from the minutes of the meeting he said the Committee felt that double hung windows were preferable and that casements were not appropriate for the area.

DISCUSSION:

In discussion among Commission members it was felt that the use of the flat pane windows on the second floor would not be inappropriate. In addition, the Commission felt the Dennis Committee used poor judgment in trying to make a contemporary home look old.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the Dennis Committee used poor judgment in denying the Appellants' request for a Certificate of Appropriateness. 5-0-1.
2. That the appeal be allowed and that a Superceding Certificate of Appropriateness issue pursuant to plans on file with the Dennis Committee. 5-0-1.

DETERMINATION:

As to Appeal #98-05, the appeal is allowed, subject to plans now on file with 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