

**ELLIOTT K. SLADE, JR.**

**v.**

**Decision #98-6**

**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 #98-6 filed by Elliott K. Slade, Jr., seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for a fence to be located at 80 Whig Street, (100 Nobscusset Road, 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 Elliott K. Slade, Jr., Appellant.

The Committee's decision was filed with the Town Clerk on April 24, 1998. The appeal was entered with the Commission on May 2, 1998 within the 10 day appeal period.

**THE APPELLANT'S PRESENTATION:**

Elliott K. Slade, Jr., Appellant, addressed the Commission in favor of the appeal. He displayed plans of his home and explained the location of the fence. He said he desired to erect a fence as protection for his grandchildren. He displayed pictures of the fence to be used and explained that there were some discrepancies between what was represented at the Committee hearing and what was actually proposed. As proposed, the fence is not offensive nor is it inappropriate.

**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 did not feel that this fence was appropriate for this age home.

**DISCUSSION:**

In discussion among Commission members it was felt that the Dennis Committee had not discussed the matter to see if a smaller fence might be appropriate. The Commission felt a smaller fence would not be inappropriate in the area.

**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, subject to the fence being no more than 4 feet high with a 1 foot lattice (both fence and lattice painted white) and that a Superceding Certificate of Appropriateness issue pursuant to these conditions. 5-0-1.

**DETERMINATION:**

As to Appeal #98-06, the appeal is allowed, 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.

Marian Reilly  
Chair