

SANTIAGO BARTOLOMEY and DONNA BARTOLOMEY

v.

Decision #98-10

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

On Tuesday, June 7, 1998, the Commission held a hearing on Appeal #98-10 filed by Santiago Bartolomey and Donna Bartolomey, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for alterations to a house located at 26 Funn Pond Road, East Dennis, Massachusetts.

Present were Edward Molans, Barnstable; William Quinn, Orleans; Elizabeth Wilcox, Dennis; Roy Robinson, Brewster; Marian Reilly, Sandwich; David Moeller, Yarmouth; Robert G. Brown, Commission Counsel; and Santiago Bartolomey and Donna Bartolomey, Appellants.

The Committee's decision was filed with the Town Clerk on May 14, 1998. The appeal was entered with the Commission on May 19, 1998 within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Santiago and Donna Bartolomey, addressed the Commission in favor of the appeal. They said their home needs major improvements and the use of vinyl will meet color standards of the District. The house is modern and is not located in an historic area. The houses in the immediate surroundings have vinyl siding and the use of vinyl on their home would not be inappropriate for the area.

THE COMMITTEE'S PRESENTATION:

Elizabeth Wilcox, representing the Dennis Committee, explained the Dennis Committee's reasons for denial. She said the Committee denied the application because there is an excessive amount of vinyl in Dennis. She agreed that the house is not located in an historic area but is very close to one. She said the Committee felt that vinyl is a non-historic material and unless there are major problems the applicants should use wood.

DISCUSSION:

In discussion among Commission members it was felt that the Dennis Committee used poor judgment in essentially banning the use of vinyl as the Commission has promulgated regulations for its use. The current application appears to fit the criteria the Commission envisioned, such as a modern home in a non-historic area. The Commission felt the use of vinyl could be allowed in this case, provided proper conditions were noted.

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 following conditions:
 - a. No "J" Channels shall be used;
 - b. No pieces shorter than 4 feet shall be used in re-siding the home; and
 - c. The Dennis Committee shall be notified of these conditions,

and that a Superceding Certificate of Appropriateness issue pursuant to these conditions. 5-0-1.

DETERMINATION:

As to Appeal #98-10, 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