

**JOHN HOWARD & ELEANOR HOWARD**

**v.**

**Decision #98-13**

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

On Tuesday, July 7, 1998, the Commission held a hearing on Appeal #98-13 filed by John Howard and Eleanor Howard, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for a new building to be located at 37 Winding Way, East Dennis, Massachusetts.

Present were Edward Molans, Barnstable; William Quinn, Orleans; Elizabeth Wilcox, Dennis; Roy Robinson, Brewster; Marian Reilly, Sandwich; David Moeller, Yarmouth; Edward Molans, Barnstable; James R. Wilson, Commission Counsel Pro Tem; and Chuck DeLuga, Agent for the Appellants.

The Committee's decision was filed with the Town Clerk on May 22, 1998. The appeal was entered with the Commission on May 29, 1998 within the 10 day appeal period.

**THE APPELLANT'S PRESENTATION:**

Chuck DeLuga, Agent for the Appellants, addressed the Commission in favor of the appeal. He presented plans of the homes and also presented photographs of other homes in the area, pointing out a previously approved home approximately 200 yards away. He said the Appellants have owned the property for over 30 years and have done everything possible to come up with a compatible design for the District.

**THE COMMITTEE'S PRESENTATION:**

Elizabeth Wilcox, representing the Dennis Committee, explained the Dennis Committee's reasons for denial. She said the Commission Guidelines state there should be no front yard decks and this resolved that issue for the Dennis Committee as well as the windows issue. The Appellants are proposed rounded windows where rectangular windows would be more appropriate. There is a mixture of styles here that

is not similar to anything found on Cape Cod.

**DISCUSSION:**

In discussion among Commission members it was felt that the Dennis Committee was erroneous in rejecting the design proposed by the Appellants. The stance by the Dennis Committee is too rigid and does not take into consideration the architectural diversity of the District.

**FINDINGS:**

The Commission made the following Findings of Fact:

1. That the Dennis Committee was erroneous in denying the Appellants' request for a Certificate of Appropriateness. 4-1-1.
2. That the appeal be allowed and that a Superceding Certificate of Appropriateness issue. 4-1-1.

**DETERMINATION:**

As to Appeal #98-13, 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.

Marian Reilly  
Chair