

Theater Market Place Associates

v.

Decision #98-16

**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 #98-16 filed by Theater Market Place Associates, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for alterations to a building located at 800 Route 6A, Dennis, Massachusetts.

Present were Edward Molans, Barnstable; William Quinn, Orleans; Elizabeth Wilcox, Dennis; Roy Robinson, Brewster; Marian Reilly, Sandwich; David Moeller, Yarmouth; James R. Wilson, Commission Counsel Pro Tem; and Peter L. McDowell, President of Theater Market Place Associates, Appellant/Applicant.

The Committee's decision was filed with the Town Clerk on June 12, 1998. The appeal was entered with the Commission on June 19, 1998 within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Peter L. McDowell, President for the Appellant, addressed the Commission in favor of the appeal. He spoke of other buildings approved for vinyl siding such as the Dennis Union Church and the Scargo Manor. He pointed out that the immediate abutters to the property included buildings with vinyl siding. Vinyl can be applied to this building without being incompatible with the Historic District.

THE COMMITTEE'S PRESENTATION:

Elizabeth Wilcox, representing the Dennis Committee, explained the Dennis Committee's reasons for denial. She said the Committee does not want to vinyl wrap Route 6A in Dennis and is trying to reverse the tide of vinyl in Dennis.

DISCUSSION:

In discussion among the Commission members it was felt that the Dennis Committee was erroneous in essentially banning the use of vinyl throughout the Historic District. The Commissioners expressed the opinion that the use of vinyl, done properly, was not inappropriate and that each application needed to be determined under the Section 10 factors and not by adherence to a general policy.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the Dennis Committee used poor judgment in denying the Appellant's 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;
 - c. The Dennis Committee shall be notified of these conditions, and
 - d. Wood detail should be preserved as much as possible,and that a Superceding Certificate of Appropriateness issue pursuant to these conditions. 5-0-1.

DETERMINATION:

As to Appeal #98-16, 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