

CHIEF OF POLICE, TOWN OF DENNIS

v.

Decision #98-27

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

On Tuesday, January 12, 1999, the Commission held a hearing on Appeal #98-27 filed by the Chief of Police of the Town of Dennis, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for light fixtures at 685 Route 134, Dennis, Massachusetts.

Present were Edward Molans, Barnstable; Elizabeth Wilcox, Dennis; Roy Robinson, Brewster; Marian Reilly, Sandwich; Deborah Gray, Yarmouth; Robert G. Brown, Commission Counsel; and John Symington, Chief of Police, Appellant.

The Committee's decision was filed with the Town Clerk on December 14, 1998. The appeal was entered with the Commission on December 22, 1998 within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

John Symington, Chief of Police of the Town of Dennis, Appellant, addressed the Commission in favor of the appeal. He said the appeal concerns the denial of two "shoebox" lights to be placed in the front of the Dennis Police Station. These lights were the same lights involved in the 1995 South Dennis Historic District case, however, the South Dennis case is different. In 1997 the Committee approved the installation of shoebox lights at the rear of the station. In addition, the station is not an historic building. Also, the station is at the boundary of the District and is surrounded by vacant land. Shoebox lights are not inappropriate for this building and the Committee is being unreasonable.

THE COMMITTEE'S PRESENTATION:

Elizabeth Wilcox, representing the Dennis Committee, explained the Dennis Committee's reasons for denial. She said the lights were not appropriate with the District and did not comply with the Cape Cod Commission's design guidelines. She pointed out the nearby funeral home was of recent construction but had used historically appropriate lighting fixtures.

DISCUSSION:

In general discussion, there was unanimous disapproval of the appeal. Paul San Clemente, a member of the Dennis Committee said two shoebox lights had been approved in 1997 for installation at the rear of the station because it had been determined this would not detract from the District. These lights are to be placed in front of the building. Had the police department made it clear that these lights were planned to be placed in the front of the building, the application might not have been approved.

In discussion among Commission members, there was a general consensus that reasonable alternatives were available to the Appellant and the Dennis Committee did not act in an arbitrary, capricious or erroneous manner.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the Dennis Committee did not act in an arbitrary, capricious or erroneous manner in denying the Certificate of Appropriateness. 4-0-1.
2. That the appeal is denied. 4-0-1

DETERMINATION:

As to Appeal #98-27, the appeal is denied.

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