

LAWRENCE J. GARBACIK, JR.

v.

Decision #99-4

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

On Tuesday, May 11, 1999 the Commission held a hearing on Appeal #99-4 filed by Lawrence J. Garbacik, Jr., seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for building to be located at 15 Rockwood Road, Dennis, Massachusetts.

Present were Edward Molans, Barnstable; Elizabeth Wilcox, Dennis; Marian Reilly, Sandwich; Deborah Gray, Yarmouth; Robert G. Brown, Commission Counsel; and Lawrence J. Garbacik, Jr., Appellant.

The Committee's decision was filed with the Town Clerk on March 25, 1999. The appeal was entered with the Commission on April 1, 1999 within the 10 day appeal period.

**THE APPELLANT'S PRESENTATION:**

Lawrence J. Garbacik, Jr., Appellant, addressed the Commission in favor of the appeal. He displayed a plot plan of the property and explained he was taking the appeal over the issue of the driveway. He said he wants a paved driveway while the Committee wants a driveway of stones or shells. He said both the Conservation Commission and the Zoning Board of Appeals had requested a paved driveway and that eight of eleven homes in the area had a paved driveway. The use of a paved driveway will help with drainage as other homes in the area have had to dig ditches due to water problems.

**THE COMMITTEE'S PRESENTATION:**

Elizabeth Wilcox, representing the Dennis Committee, explained the Dennis Committee's reasons for denial. She said the application was approved on a 5-0 vote subject to having a driveway of stones or shells. At the time it was agreed this would not be a problem. The use of stones or shells will be more historically appropriate.

**DISCUSSION:**

In discussion among Commission members, there was a general consensus that there were conflicting statements with regard to the effect and appropriateness of a paved vs. an unpaved driveway and that not all of the relevant issues had been discussed. As such, a majority of the Commission felt the matter would best be remanded to the Dennis Committee.

**FINDINGS:**

The Commission voted as follows:

1. That the matter be remanded to the Dennis Committee. 3-0-1.

**DETERMINATION:**

As to Appeal #99-4, the matter is remanded to the Dennis Committee.

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 5