

THE LOWNEY COMPANY

v.

Decision #99-10

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

On Tuesday, August 3, 1999 the Commission held a hearing on Appeal #99-10 filed by the Lowney Company, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for a skylight to be located at 16 Norseman Drive, South Dennis, Massachusetts.

Present were Dorothy Stahley, Barnstable; Marian Reilly, Sandwich; Elizabeth Wilcox, Dennis; Deborah Gray, Yarmouth; William Quinn, Orleans; Robert G. Brown, Commission Counsel; Everett Boy, agent for the Lowney Company, as well as several interested members of the public..

The Committee's decision was filed with the Town Clerk on July 10, 1999. The appeal was entered with the Commission on July 14, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Everett Boy, representing the Appellant, addressed the Commission in favor of the Appeal. He presented plans of the skylight to the Commission and recited the procedural history of the application. He said the reason for the appeal is because the Town of Dennis has made a blanket decision to not allow skylights on the front of homes in the District. He said he has been building homes in the District for over 15 years and has been approved on the front of homes in almost every town in the District and the use of skylights is mentioned in the guidelines.

THE COMMITTEE'S PRESENTATION:

Elizabeth Wilcox, representing the Dennis Committee, explained the Dennis Committee's reasons for denial. She said the Committee does not oppose the use of skylights and does not have a blanket policy regarding them. She said each case is taken on its own merits and

each case is different. She said the location, number of skylights and visibility is a factor. She said the area is not historic but, out of 121 homes in the area there is only one skylight. She said skylights may be permitted with provisions but the Massachusetts Historic Commission does not endorse the use of skylights and neither does the Dennis Historic District Committee.

DISCUSSION:

In general discussion, Chester Shea, the architect member of the Dennis Committee addressed the Commission in opposition to the appeal. He said that a single skylight in a small house such as that would be inappropriate.

In discussion among Commission members there was a consensus that the the Committee had acted in good faith, was not arbitrary or capricious in its decision, and appeared to have a sustainable reason for its decision.

FINDINGS:

The Commission voted as follows:

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

DETERMINATION:

As to Appeal #99-10, 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