

HARRY & CAROL SALO

v.

Decision #99-20

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

On Tuesday, December 7, 1999 the Commission held a hearing on Appeal #99-20 filed by Harry & Carol Salo, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for the construction of a new building and for alterations to an existing structure at 50 South Street, East Dennis, Massachusetts.

Present were Edward Molans, Barnstable; Paul White, Sandwich; Elizabeth Wilcox, Dennis; Polly McGrory, Yarmouth; Roy Robinson, Brewster; William Quinn, Orleans; Robert G. Brown, Commission Counsel; Duane Landreth, Attorney for the Appellants; and Peter Polhemus, Architect for the Appellants.

The Committee's decision was filed with the Town Clerk on November 2, 1999. The appeal was entered with the Commission on November 8, 1999, within the 10 day appeal period.

Prior to the start of the hearing, the Chair recused himself from further participation in the hearing. As the matter arose from the town of the Vice-Chair, the Commission members elected Roy Robinson as Chair Pro Tem.

THE APPELLANT'S PRESENTATION:

Duane Landreth, Attorney for the Appellants, addressed the Commission in favor of the appeal. He explained that the project consists of the replacement of an existing dormer and the construction of an 18 x 24 foot freestanding building. He distributed a site plan and photos of the site. The main house dates from approximately 1795 and a similar alteration was approved last year. He introduced Peter Polhemus, Architect for the Appellants to further explain the project.

Peter Polhemus explained that the proposed addition to the main house would be a shed dormer with two gable ends and would be very similar to what had been approved last year. He showed a collection of barns in the area and said there were many freestanding structures associated with main buildings. In this case the barn will be 18 x 24 and will be small. The barn will have a red cedar roof and white cedar shingles and will match the material on the house.

THE COMMITTEE'S PRESENTATION:

Elizabeth Wilcox, representing the Dennis Committee, explained the Dennis Committee's reasons for denial. She said the decision of the Committee was based on the purposes section of the Old King's Highway Act. This area is one of the earliest sections of Dennis, with over 30 homes constructed prior to 1850. There are seven original Cape Cod homes on South Street. This area is priceless. The Committee considered the immediate area to be South Street. The barn would have no historic significance and would simply be a 20th century structure located between two 18th century structures. It would be inappropriate to do this to two 18th century structures. The barn is not in keeping with the design of a 1700's Cape Cod House and has no relationship with any similar structure in the area. Its construction will adversely affect the setting in the area.

With regard to the dormer, she said it is not in keeping with the entire house and is not in keeping with an historic house. The side of the house will be very visible from the street and a long shed dormer is inappropriate to a 1790's Cape Cod House.

DISCUSSION:

In general discussion, Henry Kelley II addressed the Commission in opposition to the appeal. He said this is an important area of the District and the Committee acted with a rational basis for its decision. The house in question was originally a rectangular Cape and there is now a substantial amount of building on a relatively confined site.

Duane Landreth, Attorney for the Appellants, again addressed the Commission in favor of the appeal. He said the impact of this project will not be great and that the only issue is whether or not the project is historically appropriate. The location of the new dormer will be barely visible from the street and will use the same material as the existing dormer. The new barn will be 205 feet from South Street at its closest and is not massive.

Henry Kelley II again addressed the Commission in opposition to the appeal. He said the proposed dormer is visible from a public way and is not similar to any existing dormer.

In discussion among Commission members a majority of the Commissioners were of the opinion that the Dennis Committee had a reasonable basis for its decision and should be upheld.

FINDINGS:

The Commission voted as follows:

1. That the Dennis Committee did not act in an arbitrary, capricious or erroneous manner in denying the Appellant's application for a Certificate of Appropriateness. 3-0-2.
2. That the appeal be denied.

DETERMINATION:

As to Appeal #99-20, 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.

Roy Robinson
Chair Pro Tem