

JAMES MASON & OTHERS

v.

Decision #99-22

**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 #99-22 filed by James Mason and others, seeking review of a decision by the Dennis Historic District Committee allowing a Certificate of Appropriateness to John & Carol Cichy for the construction of a new building to be located at 102 Scargo Hill Road, Dennis, Massachusetts.

Present were Edward Molans, Barnstable; Paul White, Sandwich; Elizabeth Wilcox, Dennis; Polly McGrory, Yarmouth; Roy Robinson, Brewster; Robert G. Brown, Commission Counsel; and John Cichy, Applicant.

The Committee's decision was filed with the Town Clerk on November 8, 1999. The appeal was entered with the Commission on November 18, 1999, within the 10 day appeal period.

In the absence of the Chair and as the appeal arose from the town of the Vice-Chair, the Commission members elected Roy Robinson as Chair Pro Tem.

THE APPELLANT'S PRESENTATION:

There was no one present to represent the Appellants. In examining the file, it was determined that none of the named Appellants were direct abutters of the subject property. Commission Counsel opined that, based on the decision in the matter of Ungermann v. Old King's Highway Regional Historic District Commission, Barnstable District Court, Docket #90-1802, the Appellants lacked standing to pursue the matter before the Commission as they were not direct abutters of the subject property.

DISCUSSION:

In discussion among Commission members a majority of the Commissioners agreed to defer to the opinion of the Commission Counsel.

FINDINGS:

The Commission voted as follows:

1. That the Dennis Committee did not act in an arbitrary, capricious or erroneous manner in allowing the Applicant's (John & Carol Cichy) application for a Certificate of Appropriateness. 3-0-2.
2. The Appellants lack standing to pursue this matter before the Commission as they are not direct abutters to the property in question.
3. That the appeal be denied.

DETERMINATION:

As to Appeal #99-22, 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