



Old King's Highway Regional Historic District Commission
P.O. Box 279, Hyannis Mass. 02601

RECEIVED

Telephone 617-775-1767
92 FEB 26 PM 12:47

TOWN OF DENNIS
CLERK-TREASURER

JOSEPH A. RICCI

v.

Decision #91-7

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

On Tuesday, January 7, 1992 the Commission held a hearing on Appeal #91-7 filed by Joseph A. Ricci seeking review of a decision by the Dennis Historic District Committee which had denied a Certificate of Appropriateness for basketball set to be located at 2 Laura Lane, Dennis, Massachusetts.

Present were Chick Craig, Dennis; Janet Francis, Brewster; Peter Freeman, Barnstable; David Moeller, Yarmouth; Christopher Miner; Robert G. Brown, Commission Counsel; and Joseph A. Ricci, Appellant.

The Committee's decision had been filed with the Town Clerk on December 12, 1991, and the appeal entered with the Commission on December 16, 1991, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Joseph A. Ricci addressed the Commission in favor of the appeal. He showed pictures of the basketball set and stated that there were many basketball sets of the historic district. He stated that the Act was not being uniformly enforced and that he was being unfairly penalized for complying with the law when others who hadn't complied with the law had gotten what they wanted. He asked that the Committee's decision be reversed.

THE COMMITTEE'S PRESENTATION:

RECEIVED

92 FEB 26 PM 12:47

Chick Craig, representing the Dennis Committee, addressed the Commission to explain the Dennis Committee's reasons for denial. He agreed that there was a problem with enforcement of the Act in Dennis, as there is in all Towns, but that should not influence this application. He stated that the Committee felt that the placement of a basketball set on the street, in front of a house was unsightly and was in appropriate. The Committee prefers to see basketball sets placed on garages or placed on the side of a driveway, rather than a street. He asked that the Committee's decision be upheld.

DISCUSSION:

The Commission briefly discussed the matter with regard to problem of enforcement of the Act and also the appropriateness of this specific instance. There were several members of the public who spoke in favor of the appeal.

FINDINGS:

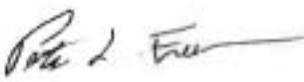
The Commission made the following Findings of Fact:

1. That the Dennis Committee did act in an erroneous manner in determining that the Appellant's application was inappropriate for the area. 4-0-1.

DETERMINATION:

Based on the above findings, the appeal is allowed, the decision of the Dennis Committee is declared null and void and a Superceding Certificate of Appropriateness will issue in accordance with plans now on file with 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.


Peter L. Freeman
Chairman