



Old King's Highway Regional Historic District Commission

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TOWN OF DENNIS
CLERK-TREASURER

MR. & MRS HERBERT LERNER

v.

Decision #92-1

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

On Tuesday, March 10, 1992 the Commission held a hearing on Appeal #92-1 filed by Mr. & Mrs. Herbert Lerner seeking review of a decision by the Dennis Historic District Committee which had denied a Certificate of Appropriateness for alterations to a building located at 4 Maureen's Way, Dennis, Massachusetts.

Present were Chick Craig, Dennis; Jan Francis, Brewster; Gordon Clark, Yarmouth; Christopher Miner, Orleans; Robert G. Brown, Commission Counsel; and Francis J. Crimmins, Agent for the Appellants.

The Committee's decision had been filed with the Town Clerk on January 10, 1992, and the appeal entered with the Commission on January 11, 1992, within the 10 day appeal period. By agreement of the parties, the 30 day determination period was waived.

In the absence of Peter L. Freeman, Chairman, the hearing was chaired by Christopher R. Miner, Vice-Chairman.

THE APPELLANTS' PRESENTATION:

Mr. Francis J. Crimmins, agent for the Appellants' addressed the Commission in favor of the appeal. He quoted from the Guidelines of the Commission and read from a transcript of a tape of the hearing before the Dennis Committee. He stated that the side of the house where the trapezoidal window will be is not visible from either Route 6A or from Scargo Lake. He said he could have gone in on either an application for a

Certificate of Exemption or and application for a Certificate of Appropriateness. He said that, in either instance, he didn't think he would have a problem. He showed pictures to the Commission of other homes in the area with cantilevered decks, including the home next door to the Appellants'. He stated that he felt that the Dennis Committee articulated no reason for the denial but were only stating their personal preference.

THE COMMITTEE'S PRESENTATION:

Chick Craig, representing the Dennis Committee, addressed the Commission to explain the Dennis Committee's reasons for denial. He stated that he did not have much to say on the Appeal. He said that the Committee might have been influenced by the presence of a group of neighbors from the Scargo Lake area.

DISCUSSION:

The Commission briefly discussed the matter with regard to the fact that the trapezoidal window would not be visible from either Route 6A or from Scargo Lake. There were no members of the public to speak either in favor of, or in opposition to, the appeal.

FINDINGS:

The Commission made the following Findings of Fact:

1. That the trapezoidal window depicted in the Appellants' application would not be visible from either Route 6A or from Scargo Lake;
2. That the construction of a cantilevered deck would not be inappropriate to the neighborhood in particular or the District in general; and
1. That the Dennis Committee did act in an erroneous manner in determining that the Appellants' application was inappropriate for the area. 3-0-1.

DETERMINATION:

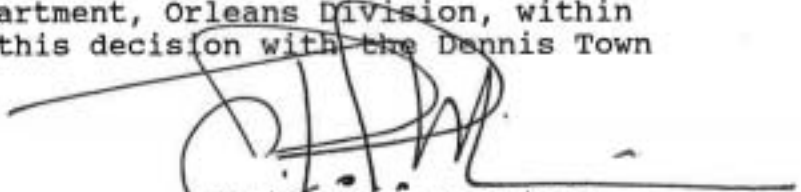
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Based on the above findings, the appeal is allowed, the decision of the Dennis Committee is declared null and void and a Superceding Certificate of Appropriateness will issue in accordance with plans now on file with the Dennis Committee.

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.



Christopher R. Miner
Vice-Chairman