

Old King's Highway Regional Historic District Commission
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TOWN OF DENNIS
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HARRY K. CROSS, JR.

v.

Decision #93-3

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

On Tuesday, February 23, 1993 the Commission held a hearing on Appeal #93-3 filed by Harry K. Cross, Jr., seeking review of a decision by the Dennis Historic District Committee which had approved a Certificate of Appropriateness to Donald Froude for a new building to be located at 40 Featherbed Lane, Dennis, Massachusetts.

Present were Avard Craig, Dennis; Christopher Miner, Orleans; Peter Freeman, Barnstable; Steve Carmel, Sandwich; Robert G. Brown, Commission Counsel; and Harry K. Cross, Jr., Appellant.

The Committee's decision had been filed with the Town Clerk on January 29, 1993, and the appeal entered with the Commission on February 8, 1993.

THE APPELLANT'S PRESENTATION:

Harry K. Cross, Jr., Appellant, addressed the Commission in favor of the appeal. He explained that he is a part owner of an abutting property to that of Donald Froude and that he had never received notice of Donald Froude's application to the Dennis Committee. He stated that he has several concerns with the application of Donald Froude. He stated that the height of the proposed building will clearly dominate the surroundings and will not be appropriate to the area. He also stated that the building is being placed at the 25 foot minimum of setback and that the west elevation will have 12 windows which will directly face his home. He asked that the matter be remanded to the Committee for a full hearing.

THE COMMITTEE'S PRESENTATION:

Avard Craig, representing the Dennis Committee, addressed the Commission to explain the Dennis Committee's reasons for approval. He stated that the application was denied the first time it was considered but was approved a second time after the Committee had made an on-site visit. He stated the house will be set in a notch and will not be seen from Route 6A.

DISCUSSION:

In the discussion portion of the hearing members of the Commission stated that they felt concerned about the fact that Mr. Cross had not had a chance to express his opinion to the Dennis Committee and that a remand to the Dennis Committee might be the best solution.

FINDINGS:

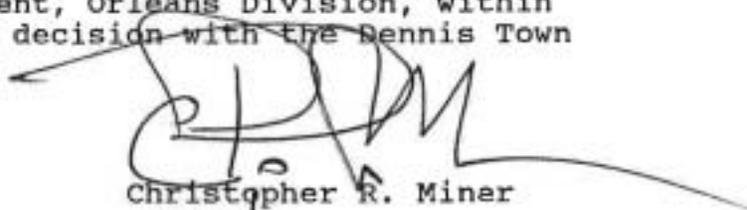
The Commission made the following Findings of Fact:

1. That the Dennis Committee exceeded its authority in approving a Certificate of Appropriateness to Donald Froude when an interested party had not been given notice as provided for in the Act. 3-0-1.

DETERMINATION:

Based on the above findings the appeal is allowed, the approval of the Certificate of Appropriateness to Donald Froude is declared null and void and the matter is remanded to the Dennis Committee for a full hearing. 3-0-1.

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
Chairman