

Old King's Highway Regional Historic District Commission
P.O. Box 2187, Hyannis, Mass. 02601

Telephone 508-775-5793

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TOWN OF DENNIS
CLERK-TREASURER

ALGIE ANDREWS

v.

Decision #93-6

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

On Tuesday, May 18, 1993 the Commission held a hearing on Appeal #93-6 filed by Algie Andrews and others, seeking review of a decision by the Dennis Historic District Committee which had denied a Certificate of Appropriateness for the deletion of window grills at property located at 65 Sesuit Road, East Dennis, Massachusetts.

Present were Pat Rothermel, Dennis; Peter Freeman, Barnstable; Bob Miller, Yarmouth; Christopher Miner, Orleans; Robert G. Brown, Commission Counsel; Algie Andrews, Appellant, and many interested members of the public.

The Committee's decision had been filed with the Town Clerk on April 9, 1993, and the appeal entered with the Commission on April 20, 1993, within the 10 day appeal period.

THE APPELLANT'S PRESENTATION:

Algie Andrews, Appellant, addressed the Commission in favor of the appeal. He said that he had applied for a Certificate of Appropriateness in late 1989 and that it had been approved subject to window grills and the deletion of a proposed balcony. He said that when the house was being built they were told that Andersen did not make windows with grills and that plastic snap-in grills were the only answer. Instead he chose to go with windows without grills because they looked better. An informal complaint was filed with the Building Inspector by a member of the Committee. Mr. Andrews read from the Guidelines of the Commission as they relate to windows and also displayed photographs of other homes in the areas which have windows with no grills.

THE COMMITTEE'S PRESENTATION:

Pat Rothermel, representing the Dennis Committee, addressed the Commission to explain the Dennis Committee's reasons for denial. She distributed minutes of previous meetings involving the same ahouse. She stated that the Committee based its decision on the original decision which was issued in January of 1990. The Committee felt there was no compelling reason to deviate from that decision. She acknowledged that there were other houses in the area that did not have grills but said that the Committee was not being arbitrary as the houses in question were in violation of the Historic District Act. She said that a major reason this house was cited was because of its prominence in the area.

DISCUSSION:

Many members of the public wished to address the Commission regarding the appeal:

Barbara Hart, Avard Craig, Chester Shea and Brendan Joyce, all either present or former members of the Dennis Historic District Committee, addressed the Commission in opposition to the Appeal. They stated that Mr. Andrews stipulated in an open meeting that grills would be used and that Mr. Andrews was in complete agreement with the idea of using grills in the windows. Mr. Andrews should be forced to comply with the provisions of the 1990 decision.

In discussion among the members of the Commission it was pointed out that, while enforcement of the Historic District Act is a major problem, there were many houses in the area which did not have grills in the windows.

FINDINGS:

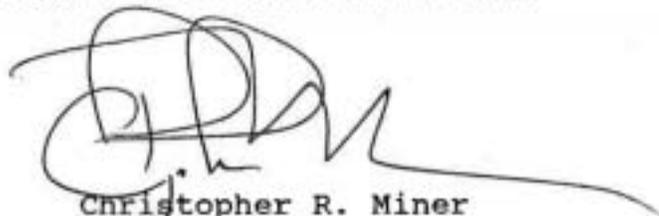
The Commission made the following Findings of Fact:

1. That the Dennis Committee was erroneous in denying the Certificate of Appropriateness. 2-1-1.

DETERMINATION:

Based on the above findings the appeal is allowed, 2-1-1.
The decision of the Dennis Committee is reversed and a
Superceding Certificate of Appropriateness shll issue.

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.

A handwritten signature in black ink, appearing to be 'C.R. Miner', with a long horizontal flourish extending to the right.

Christopher R. Miner
Chairman