

MR. & MRS. HERBERT SAARI

v.

Decision #97-18

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

On Tuesday, November 4, 1997 the Commission held a hearing on Appeal #97-18 filed by Mr. & Mrs. Herbert Saari, seeking review of a decision by the Dennis Historic District Committee denying a Certificate of Appropriateness for alterations to a building located at 7 Highcrest, East Dennis, Massachusetts.

Present were Marian Reilly, Sandwich; Robert Miller, Yarmouth; Seth Crowell, Dennis; Roy Robinson, Brewster; Peter L. Freeman, Barnstable; Robert G. Brown, Commission Counsel; and Thomas Capizzi, Agent for the Appellants.

The Committee's decision was filed with the Town Clerk on October 9, 1997. The appeal was entered with the Commission on October 17, 1997 within the 10 day appeal period.

**THE APPELLANT'S PRESENTATION:**

Thomas Capizzi, Agent for the Appellants, addressed the Commission in favor of the appeal. He said his company has done many jobs in the Town of Dennis, including four other applications on this street. He said this job was the result of a referral from a neighbor who had been approved by the Dennis Committee for the installation of vinyl siding. He demonstrated a sample of the siding that would be used and showed how his company has developed a process in which J-Channels are hidden from view. He asked that the appeal be allowed.

**THE COMMITTEE'S PRESENTATION:**

Seth Crowell, representing the Dennis Committee, addressed the Commission to explain the Committee's reasons for denial. He said the Committee apparently felt the use of vinyl was not historic and the application was ultimately denied on a 2-2 vote.

**DISCUSSION:**

In discussion among members of the Commission, there was a consensus, based on past practice in this neighborhood, that the use of vinyl in this instance would not affect the integrity of the District so long as certain precautions were taken.

**FINDINGS:**

The Commission made the following Findings of Fact:

1. That the Dennis Committee used poor judgment in denying the Appellant's application for a Certificate of Appropriateness. 4-0-1.
2. That the appeal be allowed and a Superceding Certificate of Appropriateness issue based on plans on file with the Dennis Committee and also subject to the condition that there be no "J-Channels" used and that the Appellants also conform to the Guidelines of the Regional Commission with regard to the use of vinyl. 4-0-1.

**DETERMINATION:**

Based on the above findings, the appeal is allowed and a Superceding Certificate of Appropriateness is issued subject to the above conditions.

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