

**CHESHIRE HISTORIC DISTRICT COMMISSION
MINUTES OF THE REGULAR MEETING
HELD ON MONDAY, DECEMBER 5, 2011 AT 7:30 P.M.
CHESHIRE TOWN HALL – 84 SOUTH MAIN STREET
ROOM 210**

Commission Members Present:

Chairman Jeanné Chesanow, Eric Anderson (arrived at 7:48 p.m. and departed at 8:45 p.m.), Joseph Dattilo, Elizabeth Pratt Fox and John Torello – Alternate (arrived at 7:49 p.m.)

Commission Members Absent:

None

Staff Present:

Jerry Sitko, Economic Development Coordinator

Others Present:

Town Attorney Al Smith (departed at 8:20 p.m.)

I. CALL TO ORDER

Chairman Chesanow called the meeting to order at 7:45 p.m.

II. ROLL CALL

The roll was called.

III. SEATING OF ALTERNATES

Alternate member, John Torello, was seated for voting purposes during this meeting.

IV. DETERMINATION OF QUORUM

It was determined that a quorum was present.

V. PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

VI. APPROVAL OF MINUTES – November 7, 2011 Regular Meeting

MOTION by Jeanné Chesanow to accept the minutes of the November 7, 2011 Regular Meeting of the Historic District Commission as submitted **SECONDED** by Elizabeth Pratt Fox.

VOTE: In Favor – Chesanow, Dattilo and Pratt Fox
Opposed – None

The motion passed 3 – 0.

MOTION by Joe Dattilo that the Historic District Commission change the order of business for tonight's regular meeting to start with Business item B) Discussion with Town Attorney Re: Proposed Changes to Regulations, to accommodate Town Attorney Smith. **SECONDED** by Jeanné Chesanow.

VOTE: In Favor – Chesanow, Dattilo and Pratt Fox
Opposed – None

The motion passed 3 – 0.

VII. ELECTION OF OFFICERS

Ms. Chesanow nominated Elizabeth Pratt Fox as the Chairman of the Historic District Commission and Mr. Torello seconded the nomination.

Discussion:

Ms. Chesanow commented that Ms. Pratt Fox has a solid attendance record and she did a great job on the recent lecture series. Mr. Torello commented that Ms. Pratt Fox is very knowledgeable and experienced; she will be a great benefit to the Historic District Commission as the Chairman.

Mr. Anderson asked if the "off the table agreement" that he had with Ms. Chesanow that he would go from Vice Chairman of the Commission to Chairman was nullified? Ms. Chesanow replied that she didn't think that was an automatic "thing"...Mr. Anderson replied that no, it wasn't going to be automatic but it was well defined, privately between himself and Ms. Chesanow, and he was never re-approached before now that it would not happen.

Mr. Sitko commented that he is not involved in Commission elections. Mr. Torello stated that he was not aware of this "agreement". Eric replied no, his comments were directed at Ms. Chesanow. Ms. Chesanow agreed they had informal discussions but she decided to make the nomination tonight for Ms. Pratt Fox because she feels, looking back over the past year, that Ms. Pratt Fox is a solid candidate.

Mr. Dattilo asked if Mr. Anderson wanted to be nominated as Chairman of the Historic District Commission? Ms. Chesanow noted that a motion was on the table for the Commission and they needed to vote on it before any further action could occur.

VOTE: In Favor – Chesanow, Dattilo, Pratt Fox and Torello
Opposed – None
Abstain - Anderson

The motion passed 4 – 0 – 1.

Ms. Chesanow asked Mr. Anderson if he wanted to serve as the Vice Chairman of the Historic District Commission, again?

Mr. Dattilo nominated Eric Anderson as the Vice Chairman of the Historic District Commission.

Mr. Anderson stated, putting aside a series of different issues where Chairman Chesanow tells him one thing then has done an about face on, not strictly with respect to this Commission, putting that aside because it's a personal issue, there are a number of different...there's evidence he sees vividly that this effort is not a viable one in the Town of Cheshire. This Commission has not been able to carry out what the State and Federal Agencies say should be done. For that reason and seeming futility in working, even to draw a consensus here with respect to what State, Federal and his own ethics tell him, Mr. Anderson stated that he is going to resign from the Historic District Commission entirely. If there comes a time when anyone in Town will approach him with a goal being the adherence to the Secretary of the Interiors' Standards, certainly when it comes to property owners and developers who are very well financed, just to do the things that are minimally acceptable in other communities far and away, Mr. Anderson would be happy to serve once again. But right now, Mr. Anderson stated that he doesn't see the support from this Community for historic preservation and he doesn't see the support of himself from the people present. Mr. Anderson stated the he thinks people feel he is politically a "hot potato" and that he says things that are critical and therefore his points aren't well received nor understood.

Chairman Chesanow replied that she is sorry that Mr. Anderson feels that way, adding that she thinks he has made a great contribution. Mr. Dattilo commented that he thinks Mr. Anderson would be great as the "2nd in Command", why not stay? Mr. Anderson replied because he we are not saving historic properties, we are doing the job of the Town Beautification Committee, acting as advisory not a regulatory body because we let everyone do what they want to do. Mr. Anderson stated that he feels the Commission has been quite consistent with letting people replace historic materials, that they have set a 5-year precedent on that. He added that it's a slap in the face to him and everyone else that set up the Guidelines, far and wide, for historic districts. Mr. Anderson questioned why would the Commission choose to force the synagogue to keep the chimney up? Why would the Commission keep Mr. Greco and his wife from doing what they wanted to with their stonewall? Why would the Commission stop the First Congregational Church from wrapping their window casings when we let Mr. Bowman tear down a porch off a 100% historic house? Or let Mr. Johnson replace all the front windows and door of his historic house? Mr. Anderson stated that it didn't make any sense to him what

so ever. These are not hardship cases, according to Mr. Anderson, these aren't even cases where valid points were made as to why the original historic materials could not be maintained.

Mr. Anderson stated that there has been almost zero adherences to the Secretary of the Interiors Guidelines. We let everyone who comes before us do what they want to do, what ever makes them happy, therefore what is the point in regulating? The Town Beautification Committee could serve the role of advisory to what looks nice in Cheshire and the Historical Society could certainly do education and preservation programs, if Mr. Anderson goes over there. The one thing this Commission should be doing, it doesn't do, according to Mr. Anderson.

Mr. Dattilo asked why Mr. Anderson wouldn't want to stay on this Commission and have his voice heard? Mr. Anderson replied that his voice has been heard for many years and we are sitting here, in large part, because of his voice. Mr. Dattilo commented that Mr. Anderson has valid points to say, why not stay here and contribute instead of leaving? Mr. Anderson replied that it is because the decisions are not coming down to tell people "you have to keep it this way".

Mr. Sitko commented to Mr. Anderson that he has worked with him for a long time and he respects and values his opinion, you are good guy to work with and certainly hope you reconsider your decision but you do provide a point of view and perspective here that Mr. Sitko thinks is helpful and if you are going to resign, Mr. Anderson will have to submit a letter to the Town Clerk....Mr. Anderson interrupted and stated that he didn't have to do anything....what's going to happen? Someone's going to take Mr. Anderson to jail if he doesn't write a letter? Mr. Sitko replied that the vacated seat cannot be filled without a resignation letter, and that's not him, it's the Town Clerk. Mr. Anderson commented that the Commission cannot fill the seats it has open anyway, so what's the difference?

Mr. Torello commented that this "thing" has been a work in progress, we have Regulations that we are changing and adjusting, we are learning every day...

Mr. Anderson interrupted to ask, this somewhat impressive job of scraping the old siding on the Keeler house and what seems to be the restoration of the original sash, was that a requirement of this Commission? Commissioners replied yes. Mr. Anderson asked then why would it not be a requirement that the second floor porch be maintained? Commissioners replied that it was discussed at length, noting that Mr. Anderson was not present at the Public Hearings for that application. Mr. Anderson stated that it didn't matter that it was discussed at length; it was a historic element, no question about it...and its gone. Could the developer not afford to save that? Mr. Torello suggested that Mr. Anderson read the minutes on the Hearing regarding the porch discussion because there was quite a bit of discussion on that. Mr. Anderson stated that the question is, were you adhering to the Secretary of the Interiors Guidelines in terms of a developer with play money to save instead of a porch...Mr. Torello stated that it had nothing to do with that. There were a number of reasons, one of the reasons the removal was approved was because it was not part of the original structure...Mr. Anderson interrupted and said don't play that "original card", it was historic, it was 100 years old, so what is original? If we have to have what is original, there is very little that we can save. Mr. Torello replied there were other reasons...read the minutes and do it that way. Mr. Torello stated that he does not want to defend a decision that Commission members made when Mr. Anderson was not here...If Mr. Anderson had been there then members may have listened more intently to his argument, but he wasn't there. Mr. Anderson replied yes, he was not there because

“heaven forbid he try to save that property himself”. Mr. Anderson noted that he was proud to say that at least once in his life he was featured in a political cartoon, even though he is not a politician. He added that if you looked at what some of the newspapers had to say, it was more in support of him than in support of this Commission because things just keep going and its just a shame...”its just a shame but let them do it”.

Mr. Torello commented that if Mr. Anderson feels that his contribution is that minimal, than your decision is your decision...Mr. Anderson interrupted to say that his contribution is that minimal because...Mr. Torello continued that he feels everyone present believes that Mr. Anderson’s participation is very important. Mr. Anderson thanked Mr. Torello...Mr. Dattilo commented that it would be a shame to loose Mr. Anderson’s voice. Mr. Anderson stated that this is not personal, as much as it is administrative; we are not saving the things that should be saved. Mr. Anderson stated that if he is going to argue in vain...Mr. Torello interrupted to ask, is it better to bail or to keep working for it, if Mr. Anderson feels it’s that important? Mr. Dattilo added that if Mr. Anderson bails, he can’t save anything, but at least here, you can make a difference on some things...is it better to have nothing? Mr. Anderson replied that it may be because the tens of thousands of dollars that goes into this Commission, not just the budget but if you take staff contributions and legal guidance, what is it buying for the Town of Cheshire every year? We are still loosing houses off that 1986 Inventory, like one a year, we are not succeeding.

Mr. Anderson continued to say, when you have something as central as the Keeler Stove Shop that the State Preservation Office says “get an engineer in there”, you can do it, you can ask the owners to do this. They might be ashamed of themselves for turning you down...but nobody here wanted to do that. Nobody wanted to make waves...people are afraid of Paul Bowman. Mr. Torello replied no, that is not the case. Mr. Anderson commented that people were afraid of the Building Official and Commissioners replied absolutely not. Chairman Chesanow commented that she consulted with someone on the State level who gave her other advice. Mr. Anderson asked why would someone in that office give Chairman Chesanow different advice than what they gave him? He asked who she spoke to, stating that he spoke to Mary Donohue. Chairman Chesanow stated that she spoke to two people, David Balman for one and he in turn spoke to someone else, Mary Dunn. Ms. Pratt Fox noted that they were trying to save the Keeler Stove Shop under environmental rules, because they thought it would be the fastest way to try to save it. Mr. Anderson questioned, what about the idea that was relayed to him, it wasn’t his idea, he was told by the State Office to get an engineer in there, why not do that? Did this person advice you or tell Chairman Chesanow not to do that? Chairman Chesanow replied that she was told that the Town Building Inspector had made this decision and this was a decision that we should probably go with. Mr. Dattilo stated that he also called Burt, as a member of this Commission, and talked at length in detail with him about the whole process. It was noted that Ms. Pratt Fox had met with him privately, too. Mr. Anderson questioned if the Building Official was a structural engineer? Commissioners stated that they did not know. Mr. Anderson replied that having a meeting with him is not going to be effective, he has condemned the place.

Ms. Pratt Fox interrupted and stated that Mr. Anderson is asking like no one but him tried to save the Stove Shop and she personally takes offense to that. We were all trying to figure out a way to save it. None of us wanted it to go. Mr. Anderson replied that he is not saying that. He called the State Office and they told him a course of action. He then brought it to the table and for what reasons was it not pursued? Ms. Pratt Fox replied she guesses it was because they were getting conflicting opinion from the State. Mr. Anderson replied that he didn’t think

that anyone Chairman Chesanow talked to said, "don't hire a structural engineer". Mr. Anderson stated that he offered his own money to do that. Mr. Sitko noted that, for starters, neither the Commission nor the Town controlled that property and it was noted that is was private property. Mr. Anderson replied of course it is, the people in the State Office were not suggesting that we trespass. Ms. Pratt Fox also noted that not only was it private property but the Town could not afford to take the chance, because it was so close to Route 10, on "something happening" was what she was told.

Mr. Anderson commented that he feels it was his letter to the paper that brought that building down, when it came down. They were taking their own sweet time...they say it's a danger and they can't take any chances? It wasn't until after his letter where Mr. Anderson asked if it's a danger, why isn't it down yet? So why is it that in Cheshire a place like the Andrews house costs too much to fix that one up, people say what a shame, but in a town like Easton, they will spend the money to fix it up and go get it? Mr. Sitko noted that an article regarding the Andrews house was prominently featured in the Hartford Courant and when he asked Mr. Dischinger from Elim Park if anyone stepped up, he replied no, no one stepped up. Mr. Anderson replied that is what he is talking about. He is not saying the Commission is doing a bad job, Mr. Anderson is saying....Commissioners interrupted to reply that Mr. Anderson has said in the press that this Commission is doing a bad job. Mr. Anderson replied that it is because of fear, the Commissioners are afraid because they don't have support in the community, according to Mr. Anderson. Commissioners replied that they are not afraid, they are making judgments based on the sum total of the facts that are presented to them, whether the Commissioners are right or wrong, is a matter of consensus at this point. Mr. Torello added that if you want to change the consensus, he told Mr. Anderson that he needs to make a stronger argument and stay on this Commission. Mr. Dattilo added that if Mr. Anderson walks away, he will have no say, why would he want that?

Chairman Chesanow stated that she thought this discussion was done. Mr. Anderson will make his decision whether he stays on the Commission or not. As far as the vote for Vice Chairman, the nomination of Mr. Anderson is off the table at this point, according to Mr. Sitko.

Ms. Pratt Fox nominated Jeanné Chesanow as the Vice Chairman of the Historic District Commission and Mr. Torello seconded the nomination.

Discussion:

Chairman Chesanow stated that she would accept the nomination since Mr. Anderson has stated that he is leaving the Commission.

VOTE: In Favor – Chesanow, Dattilo, Pratt Fox and Torello
Opposed – None
Abstain - Anderson

The motion passed 4 – 0 – 1.

Ms. Pratt Fox nominated Joseph Dattilo as the Clerk of the Historic District Commission and Mr. Torello seconded the nomination.

VOTE: In Favor – Chesanow, Dattilo, Pratt Fox and Torello
Opposed – None
Abstain – Anderson

The motion passed 4 – 0 – 1.

Chairman Chesanow commented that she was not taking Mr. Anderson's verbal notice of his resignation tonight as a definite, she is hopeful that he will think about it some more after tonight. Mr. Anderson replied that he had "drawn the line in the sand" months ago, saying he would resign if the Keeler House facade changes, that would be his "swan song", that's the end. He drove past every day and was appreciating what was being done with the siding and the windows to some extent, but when the porch came off that's the problem. The Andrews thing was the icing on the cake according to Mr. Anderson.

He also noted that he was asked to speak about his barns and then having been forgotten, the Vice Chairman of the Commission. He stated that he was asked at two different meeting to speak about his barns and then just because we hadn't touched base in a couple of months he was no longer included. Chairman Chesanow replied that she thought in those couple of months something had happened where Mr. Anderson had said something like he "was never coming to another meeting again, its not worth it". Ms. Pratt Fox was planning the lecture series at that point and took Mr. Anderson at his word. Mr. Anderson commented that he did come to meetings again, though. Chairman Chesanow replied that there were many gaps between Mr. Anderson's meeting attendance. Mr. Anderson commented that there was another opportunity, while seating at this table, where someone could have said, "Eric, we have someone else to do the barn thing or ask if I still wanted to do the barn thing." Chairman Chesanow suggested that if Mr. Anderson read the minutes of the meetings when he wasn't there, he would have found that other people had been asked to fill in and do the barn thing, in Mr. Anderson's absence. Chairman Chesanow commented that she is talking about the final meetings when the planning was taking place and Mr. Anderson was not here. Ms. Pratt Fox noted that it was in June and July; the Commission talked about the four barn owners and was given permission to approach them about doing this. Mr. Anderson disagreed that it would negate his verbal agreement for participation in the lecture.

He also commented that a lot of things don't show up in the minutes for this Commission and he is concerned about this too. Mr. Sitko commented that he feels the recording secretary for the Commission does a good job with minutes and Mr. Dattilo stated he agreed.

Mr. Anderson went on to say that there was discussion about him becoming the Chair of the Historic District Commission, but not until after the "Paul Bowman thing" was over with and then their elections come up and there is no further discussion with him and Ms. Pratt Fox is elected. Maybe if Mr. Anderson was approached and asked in advance but there was no discussion like that, he continued to say that this is unacceptable behavior personally and in terms of institutionally. Chairman Chesanow replied that she could see why Mr. Anderson would want to resign, then. Mr. Anderson then left the meeting.

VIII. APPROVAL OF 2012 MEETING DATES

Commissioners reviewed the two proposed meeting schedules for the Historic District Commission for 2012. The first would have two meetings a month, except in July and December. The second proposed schedule would have one meeting a month, on the first Monday of the month, except there would be two meetings a month scheduled for April, May, June and October during the construction season.

MOTION by Joe Dattilo to accept the proposed modified meeting schedule for the Historic District Commission in 2012 so that there will be one meeting a month, on the first Monday of the month, except there would be two regular meetings a month scheduled for April, May, June and October. **SECONDED** by Elizabeth Pratt Fox.

VOTE: In Favor – Chesanow, Dattilo, Pratt Fox and Torello
Opposed – None

The motion passed 4 - 0.

IX. COMMUNICATIONS

Mr. Sitko reported that the removed of 22 Pine Terrace from the Cornwall Avenue / Town Center Historic District, will be the subject of a Public Hearing with the Town Council on December 13th. It will be helpful to have someone from the Commission present to speak at the Public Hearing.

X. BUSINESS

A. Chairman's Report

Chairman Chesanow reported that she continued to be in communication with the Francos, of Cornwall Avenue, regarding their windows. She provided them the name of a gentleman from Southington who does window repairs, which had been provided to her by Mr. Dattilo. The Francos are still in the process of deciding what they want to do and it is Chairman Chesanow's understanding that they want to do the "right thing". She is hopeful that the Francos will go with the window repairs throughout.

Ms. Pratt Fox suggested that the Francos look at the windows at the Historical Society, which were recently repaired, as she was very impressed with them. Mr. Sitko stated that he would get the name of the contractor for that project. Mr. Dattilo stated that he had given the Town a list of half a dozen potential contractors who would do a good job at restoring the windows for that project. Ms. Pratt Fox noted that the frosted window at the rear of the Hitchcock Phillips House was replaced and not repaired. When she asked what had happened to the original window, she was told that it could not be repaired at a reasonable price; it would have been over a \$1,000 for the one window.

Chairman Chesnow suggested recognizing excellent improvements / restoration projects within the Historic Districts, possibly with a sign outside the building to draw attention to it.

Commissioners expressed their concern about the vacancies on the Historic District Commission and their desire to get them filled.

B. Discussion with Town Attorney Re: Proposed Changes to Regulations

Attorney Glovach from the Town Attorney's office has left the firm but before she did, she filed a report with comments regarding the proposed changes to the Rules of Procedure and Historic District Commission Regulations. The report was included in this meeting's packet for the Commission members to review with Town Attorney Smith, who was present tonight.

Commissioners and Attorney Smith agreed that they did not have to review every comment or change proposed in the document tonight, but rather would discuss the major items. Attorney Smith noted that the ability of a local Commission is limited by State Statutes, there can be some minor changes but their regulations can not be in conflict with the Statute.

Attorney Smith first reviewed section 2.2.5 regarding demolition. He stated that a Certificate of Appropriateness for demolition of a building or structure within a historic district is required for it to be demolished. There is a provision in the Statute for a "90 day cooling off period" when the local historic district commission or State is actively seeking an alternate property owner, someone who would be willing to fix the property. There is also a slight word change in case there is a scenario where the Commission or any one else agrees that no one will come forward and that the building is not of a state that it can be salvaged, to expedite the 90 day process to move more quickly. Attorney Smith stated that the 90 days is only triggered if an active search is going on for a new owner.

Mr. Anderson asked if the Commission could have in its Regulations that it automatically goes to a 90-day delay, unless the Historic District Commission decides it will not pursue an alternate owner? Attorney Smith replied yes.

It was also noted that the Commission holds a Public Hearing to make any changes to the Historic District Commission's Regulations, but the changes do not go before the Town Council or Ordinance Committee.

Ms. Pratt Fox suggested changing the reference to the State's Department of Culture and Tourism so that it reflects the current department name, which was effective July 1, 2011. Mr. Anderson suggested using "State Historic Preservation Office" in case there are future department name changes.

Attorney Smith next reviewed the variance section, 2.2.6. Mr. Anderson questioned if having "variance" as an option on the Certificate of Appropriateness application form would mean applicants would apply for more variance requests, because it will be on the form now? Attorney Smith stated that he is unsure, but he doesn't think it will be a significant change for the Commission.

Chairman Chesanow asked about the signs regulations. She stated that former Town Attorney Glovach wanted to remove the detailed requirements for signs in a historic district but every historic district Chairman Chesanow is aware of has detailed signs regulations, especially design details. Chairman Chesanow stated that she would like to see that kept in the Commission's Regulations. Attorney Smith replied that he thought Attorney Glovach was pointing out that the State limits the types of signs that can be regulated. He noted that there are some historic districts that go beyond what the Statute allows, if Cheshire wants to do that, you have to be aware that if the Regulation is challenged in a court, you may not prevail.

Mr. Anderson asked regarding the legal analysis that was done on Cheshire's Historic District Commission Regulations, has it only been done between our Regulations and the State or have other historic districts' regulations been reviewed in this process too? Attorney Smith replied that he cannot speak to what former Town Attorney Glovach did but Attorney Smith stated that he only compared Cheshire's Regulations to the State to make sure they were consistent with that, because from a legal point of view, at the end of the day, that's the only comparison that matters. Mr. Anderson stated that he is not sure if he agrees, if you look at what's been done successfully in other communities in Connecticut. Attorney Smith commented that he didn't think a court would compare Cheshire's Regulations to other towns' regulations. If Cheshire's Regulations were challenged, the only comparison would be to the State.

Mr. Torello asked if Special Design Districts were still in effect? These districts had more leeway, and asked how to compare to what is being discussed here? Attorney Smith replied that it depends on specific provisions of the State authorizing Statute compared to the Special Design District Statute.

Commissioners commented that sometimes there is a problem with technology advancing ahead of existing regulations, which could be found in the advancing sign technology.

Chairman Chesanow asked if there was another section or comment from Attorney Glovach that the Commissioners would like to review? Ms. Pratt Fox asked about section 1.10, contributing buildings / structures. She stated that she thought the Commission wanted to simplify the definition when it was submitted for Town Attorney review. Chairman Chesanow noted that Attorney Glovach set up a contributing historic structure definition then did a negative or opposite definition of contributing for the non-contributing definition so they mirrored each other.

Chairman Chesanow asked to have Staff put in Attorney Smith's proposed changes with Attorney Glovach's changes then circulate the Regulations as a draft for the full Commission and Town Attorney to do a final review. If everything is OK, then the Historic District Commission can hold a Public Hearing to have the changes addressed by the public before they are approved.

C. Education / Community Outreach Committee

There was no update given during this meeting regarding the Education / Community Outreach Committee.

IX. ADJOURNMENT

MOTION by Joseph Dattilo that the Historic District Commission regular meeting of December 5, 2011 be adjourned at 9:00 p.m. **SECONDED** by Elizabeth Pratt Fox.

VOTE: In Favor – Chesanow, Dattilo, Pratt Fox and Torello
Opposed – None

The motion passed 4 - 0.

Respectfully submitted:

Tracey M. Kozlowski
Recording Secretary