

**CHESHIRE HISTORIC DISTRICT COMMISSION  
MINUTES OF THE PUBLIC HEARING AND REGULAR MEETING HELD ON  
MONDAY, MARCH 5, 2012 AT 7:30 P.M.  
CHESHIRE TOWN HALL – 84 SOUTH MAIN ST.  
ROOM 210**

Commissioners Present:

Chairman Elizabeth Pratt Fox, Jeanne Chesanow, Joseph Dattilo and John Torello (arrived at 7:45 p.m.)

Commissioners Absent:

Eric Anderson

Staff Present:

Jerry Sitko, Economic Development Coordinator

Others Present:

Sylvia Nichols, Town Council Liaison; Peter Taylor of 185 Cornwall Avenue (departed at 9:15 p.m.); Tim Rourke of 219 South Main Street (departed at 9:15 p.m.); Paul Johnson of 152 Cornwall Avenue (arrived at 7:40 p.m. and departed at 9:15 p.m.); Bern and Jim Bradley of 95 Cornwall Avenue (departed at 8:05 p.m.)

**I. CALL TO ORDER**

Chairman Pratt Fox called the meeting to order at 7:35 p.m.

**II. ROLL CALL**

The recording secretary took the roll for the meeting.

**III. SEATING OF ALTERNATES**

Chairman Pratt Fox seated John Torello for voting 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.

Chairman Pratt Fox suggested to the Commission that they hear the Certificate of Appropriation Exemption application of Mr. and Mrs. Bradley first tonight, before the Public Hearing is started.

**MOTION** by Jeanne Chesanow that the Historic District Commission move the Bradley Certificate of Appropriation Exemption application discussion to the top of the agenda of the March 5, 2012 regular meeting; **SECONDED** by Joseph Dattilo.

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

The motion passed 3 – 0.

## **VI. PUBLIC HEARING**

### A) HDC Regulations Text Change Amendment Application

Chairman Pratt Fox called the Public Hearing to order at 8:07 p.m. and noted that a letter was sent to all Historic District property owners in Cheshire notifying them of this Public Hearing along with copies of the proposed Regulation text changes. The recording secretary read the public notice into the record.

Ms. Chesanow provided the public with some background information about how the Historic District Commission developed its Regulations, which were based on the National Standards, to begin with. Chairman Pratt Fox highlighted some of more significant changes that are proposed in the revised Regulations, which were mostly based on comments to the public over the past year and a half. For example, the rear entrance way to the First Congregational Church off of Cornwall Avenue will be considered private property, going forward; there is a better definition of non-contributing properties; the number of copies required for an application has been reduced from 10 to 3; an approved Certificate of Appropriateness will be valid for 2 years instead of 1 year to allow more time for the large projects to be completed; and the use of pre-application reviews for projects.

### PUBLIC COMMENTS:

Mr. Taylor of 185 Cornwall Avenue asked the Commissioners to look at Section 2.2 of the Regulations and noted that he didn't see much changed for the non-contributing resources, it pretty much reads the same as before and the Regulations have always said non-contributing resources would be reviewed "less strictly". With respect to 8 year old houses, not much has changed. Mr. Taylor commented that so much was done to remove 22 Pine Terrace from the historic district, which was included due to a clerical error – there was a big effort put into their removal – but there is no language to help his 8 year old house in a historic district. Mr. Taylor stated that he wants to be exempt from the historic district. He also questioned, what is "less strictly".

Mr. Johnson of 152 Cornwall Avenue stated that there was a great deal of time spent for the removal of 22 Pine Terrace but nothing was done to address the Taylor property, why isn't this Commission working in the Taylor's interest, too?

Mr. Sitko replied that the Town Attorney reviewed the Taylor's property and it was determined that it can not be removed from the historic district; this research was done at the request of the Historic District Commission. He also noted that the Town Attorney's report, with this opinion, had been part of a previous meeting's packet.

Ms. Chesnow noted that regarding non-contributing resources in the districts, visibility is taken into consideration for the property. Mr. Dattilo commented that the Commission has to take other property owners value into account for the historic districts. Ms. Chesnow noted that non-contributing resources have free reign of materials to use on their property, unlike the other property owners in a historic district. This Commission can only comment on scale, proportion and set back, which has been added to the Regulations to make it more clear as to what the Commission would look at for non-contributing resources. Non-contributing resource owners will have a lot more leeway than other property owners in the districts.

It was also noted that the Taylors had the opportunity to vote via ballot for the formation of the historic districts; 22 Pine Terrace did not receive a ballot to vote.

Mr. Rourke of 219 South Main Street stated that he has come before this Commission in the past, noting that the Commissioners have a thankless job, it is never easy and he understands that. Having said that, each and every time he has come to this Commission it has been adversarial between the Commission and the public. Everyone Mr. Rourke talks to likes being part of historic Cheshire but they don't see substantial benefits since the historic districts were formed. There is no real savings to homeowners in the historic districts, in fact it is expensive to be in a historic district. Mr. Rourke noted that tax savings have not been addressed for historic property owners, they have a more expensive property value which means more taxes; there are no Town concessions.

Chairman Pratt Fox commented that there are no town tax exceptions for historic properties anywhere in Connecticut. She agreed that yes, historic properties do have an increased property value. Mr. Torello talked about the differences in property values of a similar nature but in different parts of New Haven. He then stated that the value of property in Cheshire is very close across the town and the differences are really minute to be in a historic district. Chairman Pratt Fox noted that this Commission can not do anything about taxes.

Mr. Rourke replied that he doesn't see any savings and questioned what is "in it" for the neighbors of the historic districts? Mr. Rourke commented that it seems this could be a simpler process and the oversight doesn't have to be so intense. Mr. Rourke commented that a handicap ramp application shouldn't have to be a 2 month process with this Commission. He commented that there are times when this concept goes overboard, such as the controversy over "long term" paint. Mr. Rourke continued to say that the bigger issue is that 3 people showed up at the Public Hearing for something this severe and the Commission is still not getting to the real point; the property owners do not have a problem with preserving their property. This

Commission should be looking at maintaining the value and history not making it an antagonistic event with neighbors.

Mr. Torello stated that he couldn't accept that everyone finds their encounters with this Commission to be antagonistic. Mr. Dattilo commented that he has been in construction for over 30 years and he feels, in his opinion, that this Commission is accomodating. What happened tonight with the Bradley Certificate of Appropriateness Exemption application by this Commission, in 90% of the boards he has been in front of, would have never happen tonight because they are very rigid boards. Mr Dattilo explained that this Commission has tried to simplify as much as they can do without destroying the districts and it was done to make things smoother for the property owners. Commissioners are always looking at the view of how they can help the property owners, there are never discussions of how we can make this process more difficult for anyone.

Mr. Rourke agreed that, in the end, the Historic District Commission has tried to bend over backwards to help and ultimately when he has been before this Commission they have come to a reasonable decision. Listening to people and hearing what they are saying is a good process, instead of the antagonistic relationship has been developed between this Commission and the property owners.

Ms. Chesanow asked if Mr. Rourke was objectionable to the Federal Standards for Preservation? Mr. Torello reminded those present that this Commission has legal requirements to follow. Chairman Pratt Fox added that each Commissioner took an oath as Historic District Commissioners to follow the State and Federal Standards of Preservation, noting that sometimes we would love to do certain things, but they can't, they have Guidelines to follow, too.

Mr. Rourke commented that the only way to do this is to dissolve the historic districts. He stated that he agreed it was OK to follow Federal Guidelines, if we were in historic Williamsburg, VA but we aren't.

Mr. Dattilo noted that members of the public are always welcome to come and talk informally to the Commission, at any time.

Ms. Nichols commented that communication seems to be the key problem between everyone. We can't take away standards from our lives, we need something to live by, to protect you and your neighbors. She noted that you can't please 100% of the people all the time, but you can try to accommodate people when you can. Ms. Nichols stated that the Historic District Commission needs framework and rules, but there is obviously a disconnect between parties and communication plays a big part.

Mr. Rourke was asked if he was on the Commission, how would he make things different? Mr. Rourke replied that there would be more oversight rather than what feels to him like "nit-picking". Mr. Torello commented that the districts need more representation on the Commission and there are vacancies. Mr. Dattilo encouraged Mr. Rourke to join the Historic District Commission so that he could see that the Commissioners are trying to help the district property owners, while following the Regulations. Mr. Rourke suggested that the Commission work more as an oversight

board, adding that he didn't realize they were bound by Federal and State Regulations.

Chairman Pratt Fox asked for suggestions on how the Commission could better communicate with the property owners? Mr. Rourke suggested emailing the neighbors to have a better understanding of the Commission's goals. Years ago there was talk of a possible Federal tax credit but there is still nothing now, unless you have a commercial property in a historic district. Mr. Torello suggested posting information on the Town website or another website for property owners to view and check in on for updated information.

Chairman Pratt Fox stated that there were some valid points brought up tonight and that she agrees that the communication issue with property owners should be discussed more by Commissioners at their next meeting.

Mr. Johnson asked if the proposed Regulations that are being discussed at this Public Hearing were already approved last month by the Historic District Commission? Chairman Pratt Fox replied, no, they were only approved to go to a Public Hearing.

There was some discussion regarding the limitations of communicating through e-mail by Town boards / commissions. Mr. Sitko noted that open issues with the Commission should never be discussed through e-mail or telephone conversations. Chairman Pratt Fox stated that general information sharing would be fine.

Mr. Johnson commented that he and his wife have read the proposed Regulations and their changes; after the property owners meeting a year and a half ago, Mr. Johnson stated that he still doesn't see much that will make much of a difference for him, primarily because of how the Regulations are administered. Mr. Johnson added that he doesn't think this is working, his hope is that those directly effected will come forward in large enough of a mass that they can get a repeal of the historic district(s). Mr. Johnson stated that he does not see the value in what the Historic District Commission is doing, it is not doing any good and he stated that he believes the Town Council should be repealing the Ordinance.

There was no written communications submitted for this Public Hearing.

Chairman Pratt Fox closed this Public Hearing at 9:12 p.m.

## **VII. REGULAR MEETING**

### **1) APPROVAL OF MINUTES – February 6, 2012 Regular Meeting**

**MOTION** by Jeanne Chesanow to accept the minutes of the February 6, 2012 regular meeting as submitted; **SECONDED** by Joseph Dattilo.

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

The motion passed 3 – 0 – 1.

**2) COMMUNICATIONS**

Commissioners congratulated Jeanne Chesanow for being appointed by the Town Council as the new Cheshire Town Historian.

**3) BUSINESS**

A) HDC Regulations Text Change Amendment Application

Mr. Sitko commented that there really wasn't anything brought up by the public tonight that the Commission can address through the revision to the Historic District Commission Regulations, with the exception of the roofing material issue.

Ms. Chesanow suggested that if a property owner is going to change the shingles on the whole roof, they should come to the Commission to review the project. Mr. Torello stated that he disagreed, saying he didn't think they should because it wouldn't make a difference. Mr. Dattilo stated that if the Regulation is too vague, it isn't going to work.

Commissioners agreed that if there is a change in materials, for example a slate roof to an asphalt roof, there should be a review. Chairman Pratt Fox asked Commissioners to be ready to finalize the roofing Regulation wording for the next Commission meeting to make sure it is "proper" going forward.

Mr. Sitko noted that after the Commission members approve the revised Regulations, then a notice is posted in the newspaper; 21 days after the public posting is when the revised Regulations will become official.

**MOTION** by John Torello that the Historic District Commission table the decision regarding the Historic District Commission Regulations Text Change Amendment Application for further discussion at the next Commission meeting.; **SECONDED** by Joe Dattilo.

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

The motion passed 4 – 0.

- B) Application for Exemption from COA - #2012-001E  
James and Bernadine Bradley  
95 Cornwall Avenue  
Re: shingle replacement on roof

Mr. and Mrs. Bradley were both present on behalf of this Exemption application. Mr. Bradley stated that he is looking to replace the shingles on his roof at 95 Cornwall Avenue. He would like to complete his roof, adding that it didn't occur to them to bring the shingle replacement to the Historic District Commission because he believed the project was replacing an item with the same material during ordinary maintenance. Mr. Bradley passed around a sample of the current roofing material and the new roofing material. Mr. Bradley explained that his roof is currently partially re-roofed, while the other part of his roof has had a tarp over it for the last 3 weeks. He continued to explain that his roof contractor went to get the building permit for the project, after it was started, and was told that the project needed Historic District Commission approval to continue with the building permit process.

Mr. Dattilo asked Mr. Bradley if he knew the original type of shingles? Mr. Bradley replied no. Mr. Dattilo commented that the new shingles are from GAF, which is a good brand, adding that they appear to be architectural shingles. It was noted that the existing shingles were 3 tab shingles. Chairman Pratt Fox commented that this is a change in appearance, not materials. Mr. Dattilo commented that the material for the shingles, old and new, are a little different.

Mrs. Bradley came forward and stated that she would like some clarification in the Regulations. She stated that they thought in reading the Regulations that it was OK to replace their roof shingles. Instead they have to stop the roofing project that is in progress, which seems to be not in keeping to preserving property. Mrs. Bradley stated that the building permit was applied for after the project was started and then the property was flagged in the Building Department. She agrees that the building permit should have been taken out before the project was started but she still objects to leaving their roof exposed for 3 weeks, with trash in their yard. Mrs. Bradley stated that she couldn't call anyone to appeal the wait.

Chairman Pratt Fox stated that had the roofing contractor gone to the Building Department before starting the job, as he should have, the Bradleys would have avoided the delay in the middle of the project which has left their roof exposed. Mrs. Bradley stated that she feels this project should fall under the Commission's ordinary maintenance guidelines and if it doesn't, it should be clarified.

Mr. Bradley stated that he just wants to finish his roof, he stated that he is appealing to the Commission, as a good neighbor.

Chairman Pratt Fox talked about the Commission's need to stay consistent, noting that there was another case where a re-shingling job had to go to a Certificate of Appropriateness Public Hearing in the middle of the job. Mr.

Bradely replied that he would be very upset if he has to wait another month to move ahead with this project. Mr. Dattilo reminded Mr. Bradley that the roofing contractor caused this problem, not the Historic District Commission. Mrs. Bradley asked if it is justified to leave their property in this state if the purpose of the Historic District Commission is to preserve and care for historic property.

Mr. Sitko noted that a special meeting of the Commission could be called to accommodate the Bradleys, if the Commission determines that a Public Hearing is needed. Chairman Pratt Fox stated that the Public Hearing scheduled for tonight is only to discuss the proposed revisions to the Commission's Regulations. The public has not been properly notified of any other Public Hearing topics for tonight.

Mr. Bradley asked if "being consistent" is what is holding up his roofing project to move forward? Chairman Pratt Fox stated that this roofing project is not for the same style shingle so the Commission's Regulations state that it needs a Public Hearing.

Mrs. Bradley asked if it is logical to continue to expose the roof for another 2 – 3 weeks? It just is not right, they are being woken up by squirrels in the attic, the tarp blowing around and vent holes are being covered up.

Mr. Torello commented that the Commission has discussed before that this type of roof is the "new standard" out there now, it is the replacement for the old standard. Commissioner's were unsure where that discussion had ended.

PUBLIC COMMENT:

Tim Rourke of 219 South Main Street came forward to address the Commission stating that he has come before this Commission before for his own applications and he agrees with the Bradleys, especially because he has been down this way before. Mr. Rourke commented that 3 people are here tonight for the proposed Regulations' Public Hearing, that should tell you that people are aggravated, they want consistency but they also want compassion. He asked if the Commission thought they would see 12 people for a re-roofing project Public Hearing? Mr. Rourke encouraged the Commission to "just do it".

Chairman Pratt Fox stated that if the Commission is going to make an exception tonight for the Bradley's re-roofing project than it should become part of the Rules changes that are reviewed tonight. If 3-tab shingles have gone to architectural shingles as the new approved standard and the materials are the same, but the profile may be different, than this can be reflected.

Ms. Nichols, Town Council Liaison to the Commission, stated that she understands the procedures of a Public Hearing and its legality. Personally, Mrs. Nichols stated that she agreed with Mr. Torello, if the property owner is replacing with the same materials, they have to be available. As someone new to this Commission, Ms. Nichols added that this new shingle looks essentially like those shingles that are coming off the Bradley's house. She

would hate to see another 2 week delay to this project; there ought to be a way to say that it is OK for a homeowner to use the closest substitute product that is available, if the existing product is not.

Mr. Sitko stated that he agreed, if the Commission is going to approve the Certificate of Appropriateness Exemption for the Bradleys tonight, the motion should say that architectural shingles are the new standard for roofing shingles. Chairman Pratt Fox stated that this would be setting a new precedent and would therefore need to be changed in the Commission's Regulations.

Ms. Chesanow commented that she is torn, she agrees that the Bradleys are suffering with their roof being exposed but she also has concerns about the Commission sticking tight to its rules. Chairman Pratt Fox commented that this discussion will likely come up each time a building is re-roofed in a historic district. Mr. Torello noted that it should be made sure that the Building Department understands this exception, if it is made, because if a roof is being changed from say, slate to asphalt, that is not as easily acceptable and will require an application before the Historic District Commission.

**MOTION** by John Torello that the Historic District Commission approve the Certificate of Appropriateness Exemption application of James and Bernadine Bradley for shingle replacement on their roof at 95 Cornwall Avenue. Furthermore the Historic District Commission recognizes that for future re-roofing projects in the historic districts, the use of architectural shingles to replace asphalt roofing shingles is an acceptable material for repair / replacement as the Commission recognizes that architectural shingles are now the standard for composite shingle replacement. **SECONDED** by Jeanne Chesanow.

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

The motion passed 4 – 0.

#### C) Chairman's Report

Chairman Pratt Fox stated that the 2011 year end report to the State and Town Council was almost complete, with the help of Ms. Chesanow. She also informed the Commission that she attended the March 2<sup>nd</sup> breakfast in Hartford where they talked about Historic Districts and their property values and distributed a copy of the report from the event.

Chairman Pratt Fox informed the Commissioners that she, Ms. Chesanow and Maryellen Kania of the Cheshire Historical Society visited the Andrews House on Cook Hill Road with Mr. Dischinger, President of Elim Park. Mr. Dischinger told the group that the house is under an agreement to be dismantled and

moved out of Town. Chairman Pratt Fox stated that she told Mr. Dischinger that if this agreement falls through, the Cheshire Interfaith Housing is very interested in using the Andrews house on a piece of property in Cheshire.

Ms. Chesanow stated that she has been in contact again with Ms. Ewaskio from Staten Island, NY, neice of the Andrews, who told Ms. Chesanow that they have many Andrews family papers. Ms. Chesanow suggested that copies could be made of the papers for the Historical Society or Cheshire Public Library, or perhaps they would be interested in donating the original papers. Ms. Ewaskio has said that her family is gathering the many Andrews family items and papers and will be loaning them to the Cheshire Historical Society.

D) Education / Community Outreach Committee

Chairman Pratt Fox stated that there was nothing new to report for the Education / Community Outreach Committee.

Mr. Sitko and Ms. Chesanow stated that they are working on finalizing the details for the signs for the South Brooksvale Historic District.

**4) ADJOURNMENT**

**MOTION** by Joseph Dattilo to adjourn the March 5, 2012 meeting of the Historic District Commission at 9:40 p.m.; **SECONDED** by Jeanne Chesanow.

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

The motion passed 4 – 0.

Respectfully submitted:

Tracey M. Kozlowski  
Recording Secretary