

**CHESHIRE HISTORIC DISTRICT COMMISSION
MINUTES OF THE PUBLIC HEARING AND SPECIAL MEETING HELD ON
MONDAY, FEBRUARY 3, 2015 AT 7:30 P.M.
CHESHIRE TOWN HALL – 84 SOUTH MAIN ST.
ROOM 210**

Commissioners Present:

Chairman Elizabeth Pratt Fox, Jeanne Chesanow, Joseph Dattilo, Christine Pittsley, Breina Schain, Alternate and James Vibert, Sr., Voting Alternate

Commissioners Absent:

John Torello and Elizabeth Ryducha, Alternate

Staff Present:

Jerry Sitko, Economic Development Coordinator (arrived at 8:25 p.m.)

Others Present:

Robert Lewis of 195 Cornwall Avenue (departed at 8:30 p.m.); Peter Taylor of 185 Cornwall Avenue (departed at 8:30 p.m.); Chat Chai Vong Maget of Bann Thai restaurant (departed at 8:50 p.m.)

I. CALL TO ORDER

Chairman Pratt Fox called the meeting to order at 7:34 p.m.

II. ROLL CALL

The roll was taken for the meeting.

III. SEATING OF ALTERNATES

Chairman Pratt Fox did seat Alternate James Vibert for voting tonight with the Historic District Commissioners.

IV. DETERMINATION OF QUORUM

It was determined that a quorum was present.

V. PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

VI. PUBLIC HEARING

- A. Application for Certificate of Appropriateness - # 2014 – 016C
Robert and Maryann Lewis
195 Cornwall Avenue
Re: Window Installation

Mr. Dattilo read the public notice for this Public Hearing as it appeared in the Cheshire Herald on January 22, 2015 and Chairman Pratt Fox stated that notarized, written proof that abutting property owners were notified had been received by the Planning Department on January 30, 2015.

Chairman Pratt Fox reviewed Public Hearing rules and procedures and then opened the Public Hearing of Robert and Maryann Lewis for window installation at 195 Cornwall Avenue.

Ms. Chesanow stated that she would be recusing herself from this application because she is an abutting property owner and she then left the meeting room at 7:37 p.m.

Mr. Lewis was present to address the Commission regarding this application. Mr. Lewis told the Commissioners that he purchased the house a few months ago and many of the windows were old and weathered and broken that needed to be replaced. He chose Renewal by Anderson and found a contractor, Christopher George to do the work. Mr. Lewis stated that he questioned Mr. George about permits for the work and Mr. George told him he took care of it. Then just after Thanksgiving, Mr. Lewis stated that he received a call from Mr. Sitko that stated no permits had been issued for the window replacement project, where had at that point already been installed. Mr. Lewis did submit an application for a Certificate of Appropriateness once he was told that it had not yet been submitted.

Mr. Dattilo asked where the old windows were now? Mr. Lewis replied that the contractor had taken them away when he finished the job. The windows in the house are currently a mix of aluminum or wood. When asked if there were storm windows on the windows that had been replaced, Mr. Lewis replied that only some had storm windows prior to the replacement job. It was also noted that the windows that were replaced were wood, 6 over 6 windows.

Chairman Pratt Fox noted that she found some real estate pictures online of the property and it appeared that some of the windows were vinyl and some were wood.

Ms. Schain asked if the shutters were still on the house? Mr. Lewis replied that they have not been changed.

It was explained that the new windows are a simulated, divided light and that the mullions are between the panes of glass.

Chairman Pratt Fox commented that she would like to have a resolution to this situation tonight. The property owner did not apply for a building permit and if he had, the property

is noted as being in a Historic District so the Building Official would have looked for a decision on a Certificate of Appropriateness for the project before issuing the building permit. Neither of these steps were done so the proper reviews were not done before this project was started and now have to be done after the fact, which adds to the complications.

Chairman Pratt Fox noted that this is a change of material; the property owner has gone from wood windows to vinyl.

Mr. Lewis explained that the Renewal by Anderson windows are a composite wood material. Mr. Dattilo stated that the product is made of a composite of 40% wood fiber, glues and plastics. He also noted that based on his research from December 2014 the Renewal by Anderson windows have hollowed chambered casing structure. Mr. Lewis stated the he believed the casings to be of a solid material.

Mr. Vibert noted that the look of a house changes just by how the light reflects and hits the windows, which are now a single pane.

Ms. Pittsley commented that the Commission has to decide what it would have done if the proper steps had been followed and they would have had the opportunity to review the project before the work was done. She noted that it is now difficult to tell what was wood and what was vinyl and what was in disrepair.

Mr. Lewis stated that there were approximately 17 wood windows removed the remaining windows replaced and in the structure are vinyl.

Ms. Schain asked if Mr. Lewis knew he was in a Historic District when he purchased the house and Mr. Lewis replied yes. She asked if he was given any information about making changes to the property and Mr. Lewis stated that he had received a "welcome letter". Mr. Lewis stated that he had trusted the contractor with regards to getting the appropriate permits for the job. Mr. Lewis suggested that in the future the Commission could include the District's Guidelines with any welcome letters. Chairman Pratt Fox noted that the letter did reference resources for information about Historic District properties.

Chairman Pratt Fox commented that she believes the windows in the 2-story section in the front of the house were wooden windows and is the most visible. The east side of the house is a combination of vinyl and replacement windows.

Public Comment:

None.

Chairman Pratt Fox proposed closing this Public Hearing at 7:56 p.m.

MOTION by James Vibert to close the Historic District Commission's Certificate of Appropriateness #2014-016C Public Hearing for Robert and Maryann Lewis' application for window installation at 195 Cornwall Avenue; **SECONDED** by Joseph Dattilo.

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

The motion passed 4 – 0.

VIII. REGULAR MEETING

1. APPROVAL OF MINUTES – Regular Meeting – January 5, 2015

MOTION by James Vibert to accept the January 5, 2015 Historic District Commission Regular Meeting minutes as submitted. **SECONDED** by Joseph Dattilo.

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

The motion passed 4 – 0.

2. COMMUNICATIONS

A. HDC COA Activity for 2014

Commissioners reviewed the annual summary that Catherine Donegan prepared of Certificate of Appropriateness activity in 2014 for the Historic District Commission, which will be submitted to the State.

B. E-mail from January 29, 2015 from Town Engineer Re: Cheshire Town Hall

Commissioners reviewed the email chain that Town Engineer, Walter Gancarz provided a copy to the Historic District Commission regarding the boiler replacement venting at Town Hall.

Chairman Pratt Fox explained that there are 2 options: 1) the white PVC vent pipes could be run up the now unused chimney and therefore would not be visible or 2) the white PVC pipe could be run up the side of the Town Hall building and then painted a color to blend in with the bricks.

Commissioners discussed the two options and agreed their first choice would be to have the boiler vent pipes run up the chimney. If that is not an option and the pipes have to be run up the side of the building, a Certificate of Appropriateness would be needed.

3. BUSINESS

- A) Application for Certificate of Appropriateness - #2014-016C
Robert and Maryann Lewis
195 Cornwall Avenue
Window Installation

Commissioners reviewed the application from Robert and Maryann Lewis at 195 Cornwall Avenue for window installation. Chairman Pratt Fox reminded Commissioners that only voting members could participate in this discussion.

Chairman Pratt Fox stated that she would like to see this issue resolved. The work has already happened at 195 Cornwall Avenue, without a Certificate of Appropriateness. She questioned if the Commission should ask the homeowner to replace just the 5 original windows with a wood window? Chairman Pratt Fox stated that if that was the case, she would encourage the homeowner to go back to the contractor for financial assistance because the contractor told the homeowner that a building permit had been taken out, when in fact it hadn't.

Mr. Dattilo noted that if the original windows had been kept, it might have been possible to repair and re-install them. He noted that it has been shown through extensive research that restored historic wood windows are more energy efficient and have a longer life expectancy than a new window.

Mr. Dattilo also stated that he has done research as to what the Commission's options are given the circumstances of this situation and believes these are the options:

- 1) The HDC could approve the work after the fact with reason and hardship defined, other than financial.
- 2) A modified COA could be submitted to put back some of the highly visible historic windows instead of putting back all of them.
- 3) Deny the application.
- 4) Mandate that all the original windows, if available, be put back in.

Mr. Dattilo continued by saying that he continued his research by looking at other Historic District Commissions in other states, Massachusetts and Indiana, where he found 3 cases involving Renewal by Anderson where applications were denied, before the windows were installed, because they did not feel they were appropriate replacement for historic windows. Mr. Dattilo commented that this Commission has the added complication of the fact that the work was already done; the property owner trusted the contractor to take care of the proper permitting but that was not done.

Chairman Pratt Fox stated that the property owners is responsible for his property. She noted that the windows in the Greek Revival section of the house were wooden but the other additional areas of the house are a "mixed bag" of windows. Chairman Pratt Fox added that she feels real wood windows in the Greek Revival section of the house would be appropriate based on the Historic District Commission's Charge by the State.

Another option is to deny the application with the suggestion for re-submission to the Commission.

Chairman Pratt Fox noted that per the State, if the Commission decides to deny this application, it can defer legal action against the property owner for making changes to the property without a Certificate of Appropriateness in a Historic District if a new application is submitted within 30 days.

Depending on what decision is finally made, there is still a chance of a mixture of windows throughout the house but it is the Historic District Commission's responsibility to determine if and how much of the façade of the historic property should be preserved. Ms. Pittsley questioned where to decide what is historic on the property, as there appears to be a number of additions to the original building. Chairman Pratt Fox agreed that the east side of the building is a "hodge podge" of work with probably 4, 5 or 6 additions that have happened over time. Mr. Dattilo noted that the north side of the building appears to be the most original and historic with its Greek Revival traits.

Chairman Pratt Fox noted that she was unsure of the number of windows involved if the Commission looks to preserve the most historic portion of the building but thought there was between 4 and 10 windows involved.

MOTION by James Vibert to deny the Certificate of Appropriateness application # 2014-016C from Robert and Maryann Lewis for window installation at 195 Cornwall Avenue on the basis that not-like materials are being used based on the State Standards for Historic Preservation. The Historic District Commission encourages the homeowner to re-submit a Certificate of Appropriateness application within 30 days of the Denial Letter with the understanding that the Commission will defer any legal action if this occurs. **SECONDED** by Joseph Dattilo.

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

The motion for denial passed 4 – 0.

Chairman Pratt Fox encouraged Mr. Lewis to speak with Mr. Sitko over the next day or two with regards as to how to move forward and what the next steps could be.

Mr. Dattilo suggested that Mr. Lewis have a pre-application review of the project and offered to assist in rectifying this situation.

Mr. Lewis questioned if adding windowpane grids on the outside of the windows in question would help to solve the problem? Mr. Vibert replied probably not because of the material change that occurred when the new windows were installed.

Mr. Dattilo asked if the attic window was replaced this Fall when the work was done at the house and Mr. Lewis replied no.

Ms. Chesanow returned to the meeting at 8:30 p.m.

- B) Application for Certificate of Appropriateness - #2015-001C
Chat Chai Vong Maget
7 South Main Street
Re: Signage for Bann Thai Restaurant

Commissioners reviewed the Certificate of Appropriateness application for signage at Bann Thai Restaurant of 7 South Main Street. It was noted that some clarification was needed as to the property owner and applicant information and sign material. Mr. Chat Chai Vong Maget was present on behalf of the application and made the appropriate notations to the application.

Chairman Pratt Fox shared a copy of a photograph from the 1930's of the building at 7 South Main Street with the business signs at the time. It was noted the signs were on the front façade of the building but there was not a sign on the north corner of the building. It was also noted that the signs in the picture appeared to be painted on the façade.

It was noted that the lighting for the sign is pre-existing from a previous sign and that the new sign is plastic and uses pre-existing sign clips from Cliff's Pizza sign, which was in this previous location. Commissioners noted that the Bann Thai restaurant sign should have a "flat look" to it. It was estimated that the existing sign is about 2 inches off the front of the building. Mr. Dattilo commented that it might be beneficial for this small gap between the sign and the façade with regards to moisture. It was noted the Cheshire sign regulations do not require review if a new sign stays within an existing sign template.

Mr. Vibert asked if this application would require a COA Public Hearing because it is replacing a sign of the same size and location with the same hardware? It was determined that a Public Hearing would be required because of the sign on the side of the building.

MOTION by Joseph Dattilo that the Historic District Commission sets a Public Hearing Date of March 2nd at 7:30 p.m. for Certificate of Appropriateness application # 2015-001C for Bann Thai restaurant's signage at 7 South Main Street. **SECONDED** by Christine Pittsley.

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

The motion passed 5 – 0.

C) Committees

1. Education / Community Outreach Committee

a. Plan of Conservation and Development

Ms. Chesanow stated that there will be a meeting on February 11th at 7:30 p.m. with the Plan of Conservation and Development Committee of the Planning & Zoning Commission. Ms. Pittsley will have maps available for the meeting and Ms. Chesanow noted that she is preparing a general statement for the meeting of what the Commission is working on and its goals for 2015. Any other Commission members that are available are welcome to attend the meeting.

The next meeting of the Education / Community Outreach Committee has been re-scheduled for March 2nd at 6:30 p.m. to discuss the Trolley Tour and Preservation Awards as the Committee was not able to meet last night.

b. Trolley Tour

Ms. Chesanow stated that the Trolley Committee would like to focus on a new area of Town for the next Trolley Tour, which will be scheduled for this year or next year depending on who is available to help with the planning of the Tour. Chairman Pratt Fox noted that she has commitments that would not allow her to participate in the planning of the Trolley Tour this Summer.

c. Preservation Awards

Chairman Pratt Fox stated that Mr. Vibert has agreed to work with the Cheshire Historical Society on their annual Preservation Awards, which will likely be presented during Preservation Month in May.

2. Regulations / Rules

a. Design Guidelines

Chairman Pratt Fox will contact Ms. Ryducha for an update on moving forward with this project.

D) Signage for South Brooksvale Historic District

Chairman Pratt Fox stated that she and Ms. Chesanow have listened to the Commission's suggestions for the South Brooksvale Historic District signs and are working to revise the design. She noted that the sign lettering would be a blue similar to the blue used on the One Town Center sign at the corner of Academy Road and Route 10. It was agreed that

“Leaving the Vale” with a rye border on the back of the signs was acceptable by all. Chairman Pratt Fox stated that she and Ms. Chesanow and Mr. Sitko would be meeting this Friday with a representative of Creative Dimensions to hopefully finalize the sign design.

MOTION by James Vibert that the Historic District Commission approves and authorizes Chairman Pratt Fox, Ms. Chesanow and Mr. Sitko to move forward with the South Brooksvale Historic District sign design decisions. **SECONDED** by Christine Pittsley.

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

The motion passed 5 – 0.

It was noted that on December 24th the Cheshire Historical Society voted to contribute \$800 toward the South Brooksvale Historic District signs. Chairman Pratt Fox is hopeful that through the Julia Humiston Trust and possibly the Certified Local Government program funds can be acquired.

E) Chairman’s Report

Chairman Pratt Fox noted that her items for discussion were covered during this meeting of the Historic District Commission.

VIII. ADJOURNMENT

MOTION by Christine Pittsley to adjourn the February 3, 2015 Special Meeting of the Historic District Commission at 8:58 p.m.; **SECONDED** by Joseph Dattilo.

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

The motion passed 5 – 0.

Respectfully submitted:

Tracey M. Kozlowski
Recording Secretary