I. CALL TO ORDER
Vice Chairman Anderson called the meeting to order at 7:39 p.m.

II. ROLL CALL
The roll was called.

III. SEATING OF ALTERNATES
Mr. Torello was seated by Vice Chairman Anderson as a voting alternate for 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 – Regular Meeting of July 6, 2010
MOTION by Elizabeth Pratt-Fox to accept the minutes of the July 6, 2010 Regular Meeting of the Historic District Commission as submitted; SECONDED by Eric Anderson.
VOTE: In Favor – Anderson and Pratt-Fox  
    Opposed – None  
    Abstained - Torello  

The motion passed 2 – 0 –1.

VII. COMMUNICATIONS

None.

VIII. BUSINESS

A. Application for Exemption from COA # 2010-006E  
   Kenneth & Lauren Backman, 108 Cornwall Avenue  
   Repair & Exact Replacement of Front Porch Steps and Railing Posts

Mr. Sitko stated that Mrs. Backman had contacted him to say that neither she nor Mr. Backman could attend tonight’s meeting. She informed him that the application is pretty straightforward and is just an exact replacement. Mrs. Backman did apologize for not being able to attend this meeting.

Vice Chairman Anderson commented that there aren't many people out there that the Commission could trust more to do it right than Mrs. Backman, a former Commission member. He asked the members present how they felt about this project and if there was any discussion needed.

Commissioners reviewed the application and pictures that were included. Ms. Pratt-Fox commented that it is very obvious what they are replacing and why it needs to be replaced. Vice Chairman Anderson stated that it is a total replacement of everything leading up to the historic porch. He noted that it is very likely that these very same steps had been replaced several times over the years, which is very common for wooden structures that are sitting right down on the ground. Vice Chairman Anderson stated that he would suggest to the Backmans if they were here that they not put any wood in contact with the ground in the next re-build, even if its pressure treated, its just only so long before you do have issues. Anything the Backmans could do to raise it up off the ground before you raise the first timber, frame it out so you won’t notice its elevated up off the ground but the substructure would never be wood on earth.

Mr. Torello commented that there are cast column bases that could be purchased for that, to help keep it up, and then they could just trim around it. Vice Chairman Anderson added that even if it is just a ¼ inch up off the ground, so the water can’t wick up to it, it will still look like it goes down to the ground from a few feet away.

When asked if there were any opinions on the Certificate of Appropriateness Exemption, Commissioners agreed there were no problems with it, it is an exact replacement.
Vice Chairman Anderson wondered if this was someone unfamiliar to the Commission and that had not served on the Historic District Commission, would the Commission just go with the statement that “it’s going to be exactly the same”? Mr. Torello stated that he would, it doesn’t think there is any difference here. Ms. Pratt-Fox added that it clearly describes the materials and the fact that they are replacing with the same materials, that’s what we are looking for. Vice Chairman Anderson stated that he wanted to make sure there was discussion and that there were no immediate assumptions being made. Ms. Pratt-Fox noted that she did not serve on the Commission with Mrs. Backman. Vice Chairman Anderson commented that there is objective, impartial representation here tonight.

**MOTION** by John Torello that the Historic District Commission approves the Certificate of Appropriateness Exemption request by Kenneth and Lauren Backman of 108 Cornwall Avenue for the repair and exact replacement of front porch steps and railing posts. **SECONDED** by Elizabeth Pratt-Fox

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

The motion passed 3 - 0.

B. Chairman’s Report

Vice Chairman Anderson had nothing to report on behalf of Chairman Chesanow.

1. Barns at Ives and Boulder Knoll Farms

There was nothing new to report on the barns at Boulder Knoll Farm and Ives Farm.

2. New version of Guidelines

Vice Chairman Anderson stated that he hoped Commissioners were reviewing their copy of the new version of the Guidelines and asked if there were any suggestions so far? Ms. Pratt-Fox stated that she is about half way through the Guidelines and has only some minor suggestions, mostly clarifying language.

Mr. Torello asked if the Guidelines had been e-mailed out and it was determined it had not but Ms. Pratt-Fox stated that she did have an electronic copy that she could forward.

C. Education / Community Outreach Committee
1. Sign Report

Mr. Sitko stated that he talked to a representative with Creative Dimensions about the South Brooksvale Historic District signs and a meeting will be scheduled after Chairman Chesanow is back from her vacation. He also stated that he asked the Town Manager if there was any funding for a 4th sign for the Cornwall Avenue / Town Center Historic District. The proposed location for this 4th sign would be in the area of Cornwall Avenue and Preston Terrace.

2. Upcoming educational programs

Ms. Pratt-Fox stated that she met with 3 members of the Board of the Cheshire Historical Society and they were very enthusiastic about co-sponsoring a series of lectures in the Fall of 2011. They have e-mailed all of their Board Members and so far, all of the feedback has been positive.

The next question is, if the Historic District Commission applies for Historic Preservation Technical Assistance Grants (HPTAG) money, we have to have a draft of the application submitted by August 15th, does that mean we have to go to the Town Council? Mr. Sitko stated that the Commission does need Town Council approval to apply for any grants. Councilwoman Giddings stated that the next Town Council Meeting is scheduled for August 10th. Ms. Pratt-Fox stated that the only other way to do this is to get certified as Certified Local Government and get the grant money from that, which will give the Commission a little more breathing room and flexibility. Mr. Sitko stated that it will take a little while to get the Town Council to approve the Certified Local Government designation, so it may be more timely to go the HPTAG route. Councilwoman Giddings noted that any grant applications to be reviewed and approved by the Town Council on August 10th should be at the Town Manager’s office by Wednesday of this week because it has to get on the agenda and the Town Council packets are put together on Friday.

Ms. Pratt-Fox asked if it’s possible to become a Certified Local Government town in the next 3 months? Mr. Sitko stated that this would have to go to the Town Council, too, and there is a punch list of things for this to happen, it could be done there just is no guarantee on timing. Mr. Sitko stated that he would confirm the deadline for the Town Manager’s Office for next week’s Town Council meeting agenda.

Ms. Pratt-Fox asked if the Cheshire Historical Society would need the Town Council’s approval if they applied for the HPTAG funds? Councilwoman Giddings replied that the Cheshire Historical Society does not need Town Council approval to apply for grants, but if the Historic District Commission is co-sponsoring it, than it will require Town Council approval.

Vice Chairman Anderson asked if there has been any discussion about how frequently the lectures will occur? Ms. Pratt-Fox replied that they had talked about having 3 lectures, which would replace the Historical Society’s monthly meetings, and having them on a Sunday afternoon rather than a Monday
night, making sure there were no other events scheduled at the Cheshire Public Library on the Sunday that the lectures would be held.

Mr. Sitko asked about the amount of the HPTAG funds that would be requested and Ms. Pratt-Fox stated that she hadn’t gotten that far yet. What is needed for the August 15th deadline is for the Commission to have talked to a Circuit Writer (which would be Greg Farmer) and to decide who you want for speakers, the entire application is not due until November. Councilwoman Giddings stated that the Town Council will need to know the amount of the grant that is being requested, the purpose of it and if there is a matching of any sort, what is the commitment of the Town. Mr. Sitko asked if the Commission is OK with the application for HPTAG funds and the members replied yes.

Vice Chairman Anderson commented with regards to the 3 part lecture series, could the Commission do more with speakers that don’t require an honorarium? Ms. Pratt-Fox stated that the lectures will have a local flavor to them and suggested using Mr. Anderson and Ms. Chesanow for one of the lectures. She further explained that during the discussions about the lecture series, it was suggested that only 1 honorarium would be paid with the Grant, additional funds would be used for printing, postage and mailings. The third lecture could possibly be with Todd Levine from the Connecticut Trust for Historic Preservation. As for where to hold the lecture series, Ms. Pratt-Fox has suggested the 3 historic places of worship in Town: the First Congregational Church, St. Peter’s Church and Temple Beth David. These places would not charge a fee to use them and could give people the opportunity to see the inside of these historic places they may not have been before.

Vice Chairman Anderson stated that depending on the size of the assembly, you could get companies to come and present to the gathering of people and then hand out their information; companies such as general contractors, insurance companies, etc. Ms. Pratt-Fox stated that there was some discussion about going after a really large grant and trying to get a nationally known preservationist for one lecture but because this would really be celebrating Cheshire’s 25th Anniversary of the 1986 Historic Inventory, Ms. Pratt-Fox suggested that the lecture series be kept local.

**MOTION** by Elizabeth Pratt-Fox that the members of the Historic District Commission support the possible application to the Connecticut Trust for Historic Preservation for a Historic Preservation Technical Assistance Grant to fund a lecture series for the Fall of 2011, with a co-sponsorship with the Cheshire Historic Society and submit the needed paperwork to the Town Council representatives as soon as possible. SECONDED by Eric Anderson.

**VOTE:** In Favor – Anderson, Pratt-Fox and Torello
Opposed – None

The motion passed 3 - 0.
D. Preservation Committee

1. 1986 Inventory Update

Vice Chairman Anderson stated that the lecture series being discussed for the Fall of 2011 is an extension of the 1986 Inventory Update.

E. Rules and Regulations Committee

1. Changes in Regulations & Rules of Procedure

The Rules and Regulations Committee will meet August 16th at 6:30 p.m. before the regular Commission meeting to review suggested changes in the Regulations and Rules of Procedure. Vice Chairman Anderson invited any available Commission members that would like to attend to the Committee meeting.

F. Certified Local Government

Mr. Sitko will be working on the Certified Local Government application.

G. George Keeler House and Stove Shop

There was nothing new to report on the George Keeler House and Stove Shop. Ms. Pratt-Fox stated that she had heard that some of the items had been removed from the buildings, perhaps to make them a little more appealing. Commissioners talked about their wish to do some quick fixes or repairs as a way help save these buildings, which have some roofing issues.

H. Signs at 15 South Main Street

Mr. Sitko reported that the Assistant Zoning Enforcement Officer is going to follow up with another letter and telephone call about this property; we may have to move to an action if there is no response.

Mr. Torello commented that there are some vacant stores at 15 South Main Street and this may be a good time and suggested talking to Cliff Podadas, Jr., who is really approaching things differently than his late father. Vice Chairman Anderson noted that the façade has been scrapped down but it has not been painted. Mr. Torello noted that the only area on the building that has been painted has been around the pizza restaurant.

I. Clerk’s report

There was nothing for the Clerk to report.
J. Website Update

There was nothing new to report on the Historic District Commission’s web page.

K. Other

Vice Chairman Anderson stated that he has not yet been able to find the list of potential new Historic District Commission members from a few years ago. Mr. Sitko commented that he has not heard of any potential new member to the Commission.

Councilwoman Giddings came forward and informed the Commission member that she received a telephone call and then a follow up letter from a Historic District property owner that is very unhappy with the Commission. He has asked that a copy of his letter be sent to the other members of the Town Council, which Councilwoman Giddings has done. She stated that she has heard from several owners who are absolutely beside themselves. They feel the Commission has behaved in a somewhat arrogant manor on occasion and some of the decisions have been inconsistent. Councilwoman Giddings stated that she really can’t give the Commission all the examples that were given to her but she feels it only fair for the Commission to know that this information came to the Town Council and will probably be mentioned at the meeting during communications. Councilwoman Giddings feels that it should be known that some owners in the Historic District(s) are extremely unhappy and actually wish to succeed from the District(s).

Vice Chairman Anderson thanked Councilwoman Giddings for bringing this information to the Commission. He stated that of course the Commission wants to keep the lines of communication as open as they possibly can be. Vice Chairman Anderson stated that he wished the unhappy property owners had relayed their unhappiness with the Commission. Councilwoman Giddings stated that she thought that some of these people have been to the Commission and have left very, very upset and angry over the years. Vice Chairman Anderson commented that those people then have communicated with the Commission…. It is extremely common place where there are historic districts commissions that there are people at least as unhappy, or more unhappy, and we can’t please all the people all of the time. It is like politics everywhere.

Councilwoman Giddings added that the other comment that she heard was that although they received nothing in writing before the District was established, they were told things that they feel have definitely not come to fruition. That is probably what is most annoying; particularly to many property owners that voted in favor of the establishment because they feel that things have not gone as they were promised. Councilwoman Giddings stated that she read the Statute and certainly it is important to realize that any historic district commission is given a great deal of authority, which naturally means that it behooves them to be careful how they exercise that authority and always leaves one open to concerns. Councilwoman Giddings thinks its important that the Commission knows about this and she feels that as much as possible it should be shared with people that can make a difference and could perhaps help in the situation.
Vice Chairman Anderson stated that the Town Council and other Commissions all have to deal with people that are unhappy at times, to which Councilwoman Giddings agreed. Vice Chairman Anderson continued to say that he is not sure if any of the Historic District Commission members have served on other commissions or the Town Council, but if the Council feels in its wisdom that they can relay any type of advice from past experiences as to how to deal with unhappy people sometimes, he is wide open to that. Ms. Pratt-Fox commented that it may be helpful to know a little bit more about what they are unhappy about; is there something the Commission can do to improve…is it that the Guidelines are not clear enough and the new Guidelines will be clearer?

Councilwoman Giddings replied that it is also the interpretation…she gave the example of the First Congregational Church to replace the porch on the Parsonage that was granted as a Certificate of Appropriateness Exemption. When they came forward less than a year later with a similar, almost identical request for the Whiting House the Certificate of Appropriateness Exemption was denied and a Public Hearing needed to be called. This actually resulted in a delayed meeting due to weather and it was ultimately approved. There were 2 almost identical situations and that is what has lead to some people involved saying that the Commission has acted arbitrarily and inconsistently. Mr. Torello commented that in that case, he remembers discussion on that, that the first application was done almost in error based upon the Commission’s Guidelines. With the second application, the Commission discovered that the Guidelines really didn’t allow for the initial application’s exemption.

Vice Chairman Anderson stated that he agreed that the two opinions were not consistent with each other but with any political, government body, you will have a change, whether its personnel or if something goes to the Council for approval… Councilwoman Giddings stated that in this case, it was less than a year later…she is just telling the Commission what she hears. She reminded Commission members that people’s perception is reality, it may not agree with what the Commission agrees is reality, but it is their reality.

Councilwoman Giddings gave another example of a property owner that came forward with a change and they were lead through it, the man wanted to just do it and the wife said no we should go follow the rules and was eternally sorry that they had. After being assured that it would be approved, it was not. This was early on, probably about 5 years ago….Mr. Sitko commented that it was on South Brooksvale. Councilwoman Giddings stated that people hear these things and the example of the First Congregational Church and not knowing everything that was going on, but with past practice, if it was approved once it seems to her that….if she’s hearing this.

Several other people have commented to Councilwoman Giddings, specifically the example of the back entry to the First Congregational Church property, which is clearly marked “Not a Public Way” and one would gather it is a private entrance, was declared by this Commission to be a public way at some meeting when someone wanted to make a change, these people were just besides themselves. Something that is clearly labeled as not a public way, and used to have a gate up until the Fire Department asked to have it taken down simply for emergency access…
Mr. Torello commented that something similar came up for the property at 15 South Main Street, it was determined that since the parking lot is a public way, even though it is private property, that was another interpretation. Councilwoman Giddings stated that is another question, what makes a public way? Vice Chairman Anderson questioned, does the public actually go there, it can't be judged on virtue of the sign, it has to be, does the public actually pass through there unhindered? Mr. Torello commented that it's tough…Vice Chairman Anderson added that its tough for him, he saw this coming, he was kind of alone in his desire when the districts were being formed to have the participation be 100% voluntary. He was the sole voice at the time saying there shouldn't be anyone in the districts that doesn’t want to be. When you have up to a 1/3 of the people that never wanted to be in a historic district, they are going to be unhappy forever, they will be angry...this is the way it works across the country. Vice Chairman Anderson stated that he is not saying he is out to make anybody unhappy but it is inevitable in anything governmental or political, he supposes. He again thanked Councilwoman Giddings for bringing this to the Commission’s attention, adding that he wants to hear all the stories and document every single one of them, if it hasn’t been done already.

Councilwoman Giddings stated that she indicated that the important thing is not to complain to her but to indicate what the concerns are so that they can hopefully be resolved but there are some people that are very, very angry. Mr. Torello commented that he appears before historic district commissions all over the State, he was an advisor to the New Haven Historic District Commission. He stated that the same attitudes in certain areas….people are going to be diametrically opposed to any of the goals the Commission has here. Mr. Torello stated that when the historic districts were first proposed there were people saying they didn’t want to be in it in case McDonald’s wanted to turn their property into a commercial use…there are a lot of reasons why people don’t like them….you see what is happening in Madison. Mr. Torello stated that he thinks a lot of the unhappy people now were against the districts in the beginning. He has seen the attitudes of some of the people that have come; the Commission has tried to be as…

Ms. Pratt-Fox stated that she hasn’t been here very long but she was here for the second application by the First Congregational Church, there had been a mistake made before and the feeling was do we make it again, to set precedent or not. There was a lot of feeling, to give them slack, because of the error that was made by the Commission the first time. The second example, Ms. Pratt-Fox believes, really encouraged them to come back and build the pool. She believes that if they had come back with the Certificate of Appropriateness application, they would have built the pool, they would be swimming. Instead they withdrew the application, and if she remembers correctly there was some discussion about the right of way and what is public access. If it were public access, that meant there needed to be a screen and what does a screen mean….that was discussed. There was never a vote. Councilwoman Giddings stated that she didn’t think it was a pool, she thought it was a driveway….from some time ago. Vice Chairman Anderson stated that he pool was recent, but years ago there was an issue with a driveway.

Councilwoman Giddings stated that the other thing that may have brought this to the forefront is the proposed Certificate of Appropriateness Fee Schedule. There was a Hearing with the Ordinance Review Committee for the Proposed Fee Schedule, which was forwarded to the Town Council. The First Congregational Church did
send out a letter in opposition to the Fee Schedule and someone there spoke. The
Town Council voted to refer the Fee Schedule back to the Ordinance Review
Committee, one of the major concerns amongst some of the Town Council members,
and Councilwoman Giddings has this concern too, that people that may have to pay
for a building permit may also have to pay a fee to the Historic District Commission
and that is a double taxation only to those people that happen to live in the historic
districts. Some are glad about owning property in these districts and others are not,
but it doesn’t seem fair to those 45 or so homeowners. Councilwoman Giddings
stated that she doesn’t know what will come of it, an Ordinance Review Committee
has been scheduled for next week, but that may be changed due to vacation
schedules.

Mr. Torello asked if Councilwoman Giddings is saying the fees should be abolished
entirely? Councilwoman Giddings stated that is what some people wanted to see.
The other concern is that buildings in historic district are not just part of the districts
but they are also part of the Town and the Town gets a benefit, they get to put up the
cute little signs and say they have a historic district, it’s not just the historic district
property owners who are benefited, although some feel they have had no benefit
from this.

Vice Chairman Anderson stated that he is not opposed what so ever to having no
fees what so ever, but then what you are doing is taking the expenses of operating
this Commission and shifting them to all the people in the Town. If every property
owner in Town wants to have a little piece of that expense, as opposed to the people
that are enjoying the benefits of it…well he guesses that everyone benefits from it in
some little way. Ms. Pratt-Fox asked if there are other commissions in Town, such
as the Beautification Committee that don’t have fee? Vice Chairman Anderson
commented that maybe it’s because the Historic District Commission is still too new
and perhaps there was the outcry when the older commissions were formed and
people had to follow new rules. Mr. Sitko noted that the Historic District Commission
reached out to the historic district property owners when the proposed Fee Schedule
was discussed by this Commission and with the exception of Mr. Taylor, no one
came. Councilwoman Giddings stated that was true and when she raised this to
someone who raised the issue to her and one response she got, from the First
Congregational Church was that there was no one that could go from the Board of
Trustees. She replied to the person that she was on the Board of Trustee for the
First Congregational Church at the time, and no one asked her and if they had she
would have gone. The other comment Councilwoman Giddings heard was that “it
wouldn’t have done any good, they knew what this Commission is like”.

Ms. Pratt-Fox asked if the proposed Fee Schedule could sit with the Ordinance
Review Committee for a while and Councilwoman Giddings replied that it could, if it
were not included on the agenda. Commissioners talked about the expenses that
are incurred by the Town each time a Public Hearing is called for a Certificate of
Appropriateness application. The initial Public Hearing notice in the Cheshire Herald
is between $ 30 - $35 and then there is the result advertising of the hearing. With
regards to the scale based upon the cost of a project, it would be a lot of money to
be paid by anyone, in addition to construction costs. Right now as it stands it costs
the Town approximately $70 for one Public Hearing and the applicant pays $25
towards these costs. If an Exemption from a Certificate of Appropriateness is
applied for, a $25 fee is paid but it is returned to the applicant if the Exemption is
approved and there is no expense to the Town. Mr. Torello talked about having to bond a site plan for a Planning & Zoning Commission project, which is done at the minimum amount, so a flat fee makes sense. Ms. Pratt-Fox asked if other Commissions have a fee based on the size of a project? Mr. Torello replied there are mostly 2 steps, usually residential and commercial.

Vice Chairman Anderson thanked everyone for their input on this situation.

IX. ADJOURNMENT

MOTION by Elizabeth Pratt-Fox that the Historic District Commission regular meeting of August 2, 2010 be adjourned at 8:30 p.m. SECONDED by John Torello.

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

The motion passed 3 - 0.

Respectfully submitted:

Tracey M. Kozlowski
Recording Secretary