Commission Members Present:
Chairman Jeanné Chesanow, Eric Anderson, Elizabeth Pratt Fox and John Torello – Voting Alternate

Commission Members Absent:
Joseph Dattilo

Staff Present:
Jerry Sitko, Economic Development Coordinator (departed at 9:15 p.m.)

Others Present:
Peter Taylor of 185 Cornwall Avenue

I. CALL TO ORDER
Chairman Chesanow called the meeting to order at 7:35 p.m.

II. ROLL CALL
The roll was called.

III. SEATING OF ALTERNATES
Chairman Chesanow seated alternate member, 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.
VI. APPROVAL OF MINUTES – Public Hearing & Regular Meeting
   September 20, 2010

MOTION by Elizabeth Pratt-Fox to accept the minutes of the September 20, 2010 Public
Hearing and Regular Meeting of the Historic District Commission with the corrections noted
below; SECONDED by Eric Anderson.

Corrections to the September 20, 2010 minutes: Chairman Chesanow noted that the
correct spelling is Hardie plank in the discussion regarding the George Keeler House and
Stove Shop; Page 8, first line, it should be added that James Sexton is an architectural
historian;

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

The motion passed 4 – 0.

VII. COMMUNICATIONS

Mr. Sitko distributed a copy of the October 5, 2010 joint meeting of the Town Council
Ordinance Review Committee and the Historic District Commission.

Chairman Chesanow also shared a draft letter she had put together for submission to the
Cheshire Herald Editor. It was agreed that a response to their recent editorial would not be
submitted until after the meeting with the Ordinance Committee.

VIII. BUSINESS

A. Chairman’s Report

Chairman Chesanow talked about the current 1 year Certificate of Appropriateness
approval timeline to complete an approved project. She stated that at a previous
meeting Mr. Torello mentioned that in some other towns, if the work on the approved
Certificate of Appropriateness is proceeding, an extension is not needed. Cheshire
currently requires 60 days notice for a Certificate of Appropriateness extension and
suggested that maybe that timeline should be shortened. Mr. Torello stated that he
would look into how other towns handle this situation. He also suggested that the
Certificate of Appropriateness could mirror the building permit process regarding
extensions or deadlines.

B. Follow-up to Meeting with Property Owners

Chairman Chesanow stated that Lana Glovach, Town Attorney, has researched the
definition of public way, street or place. She has said that this is not defined by State
Statute and has never been questioned legally. Attorney Glovach did compare “public place” in the penal code definitions, which says that it is any place to where the people are accustomed to gathering, even if it is a private place. She added that the State Statute meant that “public place” would be defined by the word public - State, Federal or Town owned properties. There is no case law established yet in Connecticut regarding a public way” definition.

Attorney Glovach has given a hypothetical example of a parking lot of a shopping center being adjacent to a private piece of land in a historic district with the back of the private property only being seen from the shopping center. If this is the case then a Historic District Commission should not be consider the private property visible per the Connecticut Commission on Culture & Tourism - Historic Preservation and Museum Division representative that Attorney Glovach spoke with.

Attorney Glovach recommends that the best way to resolve the “public place” decision in Cheshire is for the Town Council to amend the Historic District Ordinance with the named streets to be considered a “public way” in the Historic Districts. Mr. Torello commented that the important views of a historic house are trying to be determined here and the street façade is always emphasized as the most important during any discussion of historic properties, this is a practical opinion.

Mr. Anderson questioned Attorney Glovach’s legal experience with regards to historic district cases and interpretations, adding that he did not agree with her opinion.

Mr. Torello commented that the common definition of public vs. private property has been if its not owned by the public than its private. Mr. Anderson replied that an overwhelming majority of Historic Districts don’t define this and he believes that the Cheshire Historic District should do the same. Chairman Chesanow noted that she found that Concord, MA does list its roads as public ways and if a road is not on the list then it is not considered a public way. Mr. Anderson suggested not identifying the public ways so that for the next 10 or 20 years it can be left up to interpretation. He also suggested that it be left up to the Town Council to decide by not bringing it up to them.

Ms. Pratt-Fox stated that Town Councilwoman Giddings has said that this Commission should present some wording options, but should we be leaving it up to the Town Council or Ordinance Review Committee to decide? Mr. Anderson replied yes. Chairman Chesanow commented that Attorney Glovach may be at tomorrow night’s Ordinance Review Committee.

Mr. Torello commented that the Commission really does not want to make it too onerous to the few people this may adversely affect; this is a difficult situation. He added that there is a level of privacy that should be respected. The Commission should preserve as much as possible for the historic properties when possible without being too onerous.

Mr. Anderson commented that he just wants to take what’s successful in other communities and bring it to Cheshire. He added that this just seems like trying to quell public outcry. Ms. Pratt-Fox stated that the public and private way is not clear and needs a definition.
Chairman Chesanow stated that if Attorney Glovach is at the Ordinance Committee meeting tomorrow night, they can re-visit the research she has gathered. Ms. Pratt-Fox noted that Church Drive may be difficult to make a determination on because the Town maintains it but the First Congregational Church owns the road. Mr. Torello suggested that because it has a postal address it is a public way.

Commissioners reviewed the draft lists of proposed projects to be considered as repairs and/or exact replacements requiring no review, minor work requiring a brief review and work requiring a Certificate of Appropriateness.

It was agreed that accessory building that are non-contributing were OK to be removed without a review but contributing accessory building removal should be reviewed.

Commissioners would like the heading of the Exact Replacement listing of replacing in kind with the same materials, same size and same design to read:

“Any part of a main or accessory building or any existing site feature, isolated portions of but not in its entirety, may be repaired or replaced in kind without review”

Mr. Anderson asked to have “hardware: doorknobs, shutter dogs, hinges, etc. (same metal, same finish)”; “storm doors” and “storm windows” moved to the minor work requiring brief review list from the no review required list.

Commissioners agreed that installation of satellite dishes 12” or smaller may be installed without review as well as window air conditioning units that are being installed in existing windows. Satellite dishes over 12” will require brief reviews by a Commissioner and staff member.

Commissioners talked about having only a brief review as a minor change to a historic property of new swimming pool installations, for both in ground and above ground pools, which are visible or any portion of their mechanical apparatus that is visible and may require screening. All outside mechanical equipment, such as air conditioners, antennas, etc. will need a brief review as a minor change to a historic property.

Chairman Chesanow finished by saying that these lists are still drafts and can still be amended as the Commission continues to discuss them. She will work on getting an updated draft to Mr. Sitko tomorrow so that they can be distributed at the Ordinance Review Committee meeting tomorrow evening.

C. George Keeler House and Stove Shop

Chairman Chesanow stated that Paul Bowman has said that it will be another month or two before potential repairs and the assessment on the Keeler properties are done. It was noted that the real estate sign on the properties says that they are under contract.
D. Other

Ms. Pratt-Fox stated that information for the Connecticut barn survey that is underway can be found at www.connecticutbarns.org. She suggested that numerous locations in Cheshire be included in the route of travel for the November 6th Historic District Commission’s bus tour. The survey sheets, which will need to be filled out for each barn in Cheshire, can be found on the web site and a photograph of the corresponding barn will also need to be taken and submitted. Chairman Chesanow and Ms. Pratt-Fox stated that they would work on planning a bus route for their tour before the next Commission meeting on October 18th.

Chairman Chesanow noted that there is another Connecticut Trust workshop in Bristol on October 19th for anyone that is interested.

IX. ADJOURNMENT

**MOTION** by Eric Anderson that the Historic District Commission regular meeting of October 4, 2010 be adjourned at 9:35 p.m. **SECONDED by Jeanné Chesanow.**

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

The motion passed 4 - 0.

Respectfully submitted:

Tracey M. Kozlowski
Recording Secretary