Commission Members Present:
Chairman Jeanné Chesanow, Eric Anderson (arrived at 7:50 p.m.), Joseph Dattilo, Elizabeth Pratt Fox and John Torello – Voting Alternate

Commission Members Absent:
None

Staff Present:
Jerry Sitko, Economic Development Coordinator

Others Present:
Anne Giddings, Town Council Liaison; Tim Slocum, Town Council Chairman; Dave Schrumm Town Councilman; James Sima, Town Councilman; Peter Taylor of 185 Cornwall Avenue; Paul Johnson and Alison McWeeney of 152 Cornwall Avenue; Cliff Podaras of 25 Church Drive; Tim Rourke, President / CEO of BCI Financial located at 219 South Main Street; Scott Libengood of 107 Cornwall Avenue; Larry Pivirotto, contractor for and member of the First Congregational Church; Bob Giddings of 915 Boulder Road and member of the First Congregational Church; Ken Eurle of 268 Sharon Drive; Katherine Duffendack of 88 Elmwood Drive and a member of the First Congregational Church; James Chapman a member of St. Peter’s Church; Joe Bango of 171 Cornwall Avenue; Joe Franco of 64 Cornwall Avenue; Robert Perrotti of 132 Cornwall Avenue

I. CALL TO ORDER

Chairman Chesanow called the meeting to order at 7:02 p.m.

II. ROLL CALL

The roll was called.

III. SEATING OF ALTERNATES

Mr. Torello was seated by Chairman Chesanow 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 August 16, 2010

MOTION by Elizabeth Pratt-Fox to accept the minutes of the August 16, 2010 regular Meeting of the Historic District Commission with the correction noted below; SECONDED by Joe Dattilo.

Correction to the August 16, 2010 Minutes: Page 4, item 2, 3rd paragraph, last sentence should read, “Mr. Anderson noted that no property has ever seceded from…”

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

The motion passed 4 – 0.

VII. COMMUNICATIONS

All communications to the Historic District Commission were reviewed during the “Discussion with Property Owners” portion of this meeting.

VIII. BUSINESS

A. Application for COA # 2010-007C
   St. Peter’s Episcopal Church, 59 Main Street
   Replace exterior signage and lighting

Ms. Pratt-Fox stated that she would be abstaining from the vote for this application due to a conflict of interest.

Commissioners reviewed the Certificate of Appropriateness application from St. Peter’s Church for the replacement of their exterior sign and lighting.

MOTION by Jeanné Chesanow that application # 2010-007C for a Certificate of Appropriateness for St. Peter’s Church for the replacement of their exterior sign and lighting be set for a Public Hearing on Monday, September 20, 2010 at 7:30 p.m. SECONDED by Joe Dattilo.

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

The motion passed 3 – 0 – 1.
Chairman Chesanow stated that she will just be returning from vacation and will be asking Mr. Anderson to Chair the September 20th meeting.

B. Discussion with Property Owners

Chairman Chesanow welcomed everyone to the Historic District Commission meeting and thanked the property owners for coming to speak to the Commission. She invited any and all members of the public to come forward to speak to the Commission.

Mr. Cliff Podaras of 25 Church Drive and 11-315 South Main Street came forward and stated that it was his initial understanding that being a property owner in a Historic District is a benefit to property owners. Mr. Podaras stated that he has not seen this to be the case; he has not seen any reduction in taxes and in fact believes it has been more of a burden being in a Historic District. He stated that typical repairs cost five times more for historic district property owners than everyone else in Town. This Historic District is supposed to be in place for us, the property an owner, all that Mr. Podaras sees is a burden to us, the property owners. This is how he feels.

Mr. Robert Perrotti of 132 Cornwall Avenue spoke up and stated that he would second everything that Mr. Podaras had just said.

Alison McWeeney of 152 Cornwall Avenue came forward to address the Commission. She thanked the members of the Town Council for coming to tonight’s meeting and listening to the property owners. Ms. McWeeney stated that she was speaking on behalf of herself and her husband Paul Johnson when she stated that they feel they were misled about a Historic District. This is not working as promised, this Commission was supposed to work as an advisory board to aid homeowners in preserving their properties. The property owners were supposed to be eligible for tax breaks and/or incentives for residents in Historic Districts; the only influence the Commission was supposed to have was on the front façade of their homes. What they have is a Commission that favors those they deem trust worthy. What has happened are members of this Commission have patrolled the neighborhood with cameras and clipboards and is inconsistent with what it approves at one time and rejects at another. Ms. McWeeney stated that they have tried in good faith to comply with the Regulations, which were adopted well after the Historic Districts was established. The process is cumbersome, time consuming and expensive. Every bit of maintenance or improvements to the exterior of our house and property, not just the front façade but the entire property, requires an extension application, submission of fees, a site plan, photos, a materials list and an appearance at a meeting and may require a Public Hearing.

Ms. McWeeney stated that they have asked questions and written letters voicing concerns and requesting information in the past and they have been ignored. She stated that she is also concerned that their property has declined in value, solely by virtue of being in the District. The pool of potential buyers is limited for purchasing an old home. Ms. McWeeney mentioned that a neighboring property owner has had
a difficult time trying to sell their property for the simple fact that the property is in a
Historic District and is constrained by the Rules and Regulations of the District.

Ms. McWeeney stated that they had voted in favor of the Historic District and are
discouraged and unhappy because they supported the concept. The reality of its
implementation has placed an unfair burden on us and our neighbors, the Historic
District property owners. We would like the Ordinance repealed that created the
Historic Districts.

Ms. McWeeney stated that her neighbors, Dennis and Joanne Pilarczyk of 131
Cornwall Avenue asked her to read their comments into the record at tonight’s
meeting. The Pilarczyks stated that they originally wanted the Historic Districts to be
formed because they are proud of their antique homes and was believed that the
District would prevent the commercialization of existing streets and properties.
However, they had no idea that the Regulations adopted by the Historic District
Commission after the vote would be so complex and time consuming.

If the Historic District is to benefit the entire Town, the denial of 3 submissions out of
dozens since inception has been an expensive procedure. The cost to homeowners
is great in time and effort required to submit paperwork and even greater in the
uncalculated cost of hard feelings. The Pilarczyks stated they trust their neighbors to
make decisions about improvements to their historic homes and properties without a
Committee’s judgment. Cornwall Avenue was and is a lovely street. The Pilarczyks
can’t say that they recognize what improvements to the street may be directly
attributed to a Historic District perhaps others feel differently. They added that they
certainly appreciate the great efforts and hours donated by volunteers to maintain
and preserve these neighborhoods.

Ms. McWeeney stated that her neighbors, Noel and Marietta Favarger of 50 Cornwall
Avenue asked her to read their comments into the record at tonight’s meeting. The
Favargers stated that they voted against the formation of the Historic Districts
because they thought the Guidelines were too frugal and open to amendment by the
Board. There is only 1 Board Member that actually lives within the Historic Districts,
"slightly slanted???. At the initial meetings, the Favargers stated that they were told
only their front façade would be under review and that landscaping would not be
effected. It seems this is not so. What started as a simple organization is becoming
more and more complex.

When Mr. Sitko asked for a copy of these letters that Ms. McWeeney read to the
Commission, she stated that she would have to contact the individuals to see if that
was OK with them, as she was asked just to read them.

Mr. Johnson of 152 Cornwall Avenue stated that this is not the meeting he wanted,
he wanted to talk to the Town Council about repealing the Ordinance that
established the Historic Districts. Mr. Johnson stated that he has documentation that
states the only thing that to be done to get rid of a Historic District is to repeal the
Ordinance that created it. He stated that this Committee has been in place for 5
years; it has been an experiment that in his opinion has failed and should be
stopped. Mr. Johnson stated that he does not think the experiment will succeed,
even if changes are made because he feels the experiment will revert back to the
form that makes the residential residence of the Historic Districts are diametrically
opposed to the actions of this Board, however appropriate they may be. It creates antipathy with the neighborhood; the people around this table are towns-folks, peers of ours that could be our friends. But they are on the Commission, it ought to be non-contentious and Mr. Johnson does not believe that it can be, with the way the Statutes are written.

Tim Rourke, President / CEO of BCI Financial located at 219 South Main Street was next to come forward to speak to the Commission. He stated that when he purchased the property at 219 South Main Street he knew that it was in a Historic District and he knew what he was getting himself into, or so he thought. Mr. Rourke stated that when purchased, the building at 219 South Main Street was very much in disrepair and had many, many issues with it but he loved the history of the building and he loved the idea of what he could do and what should be done to the property to bring it up to the “grand old building they thought it should be for Cheshire”. When he came to the Historic District Commission he found a lot of bureaucracy and issues that just made things difficult. The Commission required his builder to attend meetings at 7 p.m., which was an additional cost to Mr. Rourke; changes to a plan had to be made, after it had been approved, that came very expensively to them. Some of the changes just didn’t make sense, Mr. Rourke understood what they were looking for, from a look, but they made no sense to him logically. He explained that he had a porch that was on the upstairs, in the back of the building. Every historical record he found showed that the porch was put on the building in the 1950’s. When he came to this Committee and they talked about the porch, their feeling was that perhaps it was put on in the 1950’s but porches like that were used in the 1800’s to help people deal with issues like T.B. and things like that. Mr. Rourke stated that he never understood the correlation between what that porch, built in the 1950’s and the T.B. epidemic that took place in the 1880’s might have been. But to the Committee it did. Because of that, this porch that they wanted to enclose, they were approved for the enclosure with, in fairness to the Committee, which Mr. Rourke stated that he wanted to be fair to the Committee, with some pictures that he had shown them and some other things that we had shown them. The Committee went through it all and said it was fine...then the clipboards showed up after the windows had been put in. As someone mentioned, your neighbors are walking around with a clipboard saying that this is not exactly what we wanted.

Mr. Rourke stated that he wanted everyone to aware of what he had to bring it to exactly what the Committee wanted. It was already agreed that it would be kept looking like an upstairs porch, windows were put in to allow for that. They even agreed to put a railing up around what is now an inside room, a little bit ridiculous, but he understood that the Committee wanted to do that. That wasn’t enough, what he ended up having to do, in addition to that, is put plexiglas up behind the railing…Mr. Rourke commented that he didn’t know about anyone else, but he never knew of plexiglas being around in the 1760’s…but he had to put plexiglas behind the railings so that it had a reflective quality to it, so it looked like it reflected back what was going on; that became very expensive. There was talk that Mr. Rourke would have to remove the brand new windows that he had just put in but the Committee did in fact relent, in fairness to them, and allowed him to instead leave the windows that were there but put in 2 false windows on the back of the building. These false windows look like windows from the outside but from the inside are not windows at all, again a considerable expense to Mr. Rourke, not to mention that they had to completely re-work the posts and beams and everything else in order to make this
work. Mr. Rourke stated that he would tell everyone categorically that the original plan that they came to this Committee with did not change the look of the building. He was not trying to come to the building to make it look modern; they were not trying to bring the building up to a standard that was far in excess of what the neighborhood had, they were really trying to make it into a more useable building for themselves, admittedly, it is a 240 or 260 year old building so obviously it needed to be updated, it needed to be brought up to certain standards. The only thing they were changing on the outside was enclosing a porch, that again had been put in, they think, in the 1950’s and what they found was just a constant effort by the Commission to try to get something to an exact replica of what was built in 1767. Mr. Rourke stated that he doesn't think that is practical or realistic. He thinks that is where the Commission oversteps what it is trying to do. When Mr. Rourke made a comment about changing his building and that it would look the same as it did 100 years and 200 years ago, their answer was they wanted it to look the same 1,000 years from now. He stated that he didn’t think that was the way these Commissions are supposed to have been put together. Mr. Rourke stated he thinks the idea is certainly to try to let the people of the neighborhood know that they are in unique homes, and he thinks everyone knows that, these are homes that are kept to a certain standard. People love the “village of Cheshire”, they love what they have is the history that they have invest in, in a huge way. Mr. Rourke stated that he thinks that it doesn’t make sense, for then all these level of bureaucracy to have to be picking over and dealt with, especially when you are dealing with residential properties. Mr. Rourke’s property happens to have a property that is either commercial or residential, depending on how he wants to use it, but it is commercial now, in this case. With residential, especially, it seems like it should be “live and let live, lets all just have a standard”. Mr. Rourke stated that he wouldn’t have a problem with a standard, adding that he didn’t think anyone in this room would have a problem with a standard, it’s the arbitrariness, it the fact that once a decision has been made, you feel like it may change. Mr. Rourke stated that being very candid, he is opening his mouth right now and he knows that some day he will stand before this Commission, because he really doesn’t think this will go away, Mr. Rourke stated that he just feels like he will pay for this, somewhere along the way. He stated that he has the sense that as a member of this community, he feels he is slightly unique because he did buy after the Historic District was put into place but Mr. Rourke also has some very recent history with this group.

Mr. Rourke stated that he wanted to close with one last piece, which didn’t affect him directly but its very important. He came to the Commission and asked permission to paint the building at 219 South Main Street, which everyone knows the rule is you don’t have to come to the Commission for permission to paint because they don’t have any say over the color of a building. It was recommended to Mr. Rourke that he should still come to them because he knew as a result of painting the building, there would be a couple of minor carpentry issues that came up, such as boards that had popped up. The feeling was that it made more sense to get permission of the Commission before starting to put a saw to the building. Mr. Rourke stated that he understood that, respected that and came to the Commission and talked to them about putting paint on the building, Mr. Rourke got permission to put paint on the building, it went fine.

Right after that, within days of starting the paint job, Mr. Rourke stated that they happened to have gotten a type of paint called Rhino Shield, it was considered a 30
year ceramic finish for the building, it looks identical to paint. If you walked up to the building you can see all the grains of the wood, it is supposedly, which he will say because it's only been on the building for a year and a half, it was a very expensive paint job. Mr. Rourke stated that it made a lot of sense to do this because it is a 30-year paint job. He then read the minutes of the meeting for the next meeting and the meeting after that and other people came to get the exact same permission for the same product and it was refused. Mr. Rourke stated that he understands that he was the beneficiary of that, so he will be the bad guy here, but the other property owner was refused because the Commission decided that this particular kind of paint, *might* retain moisture and therefore *might* cause a problem to this historic home. Mr. Rourke commented that by the way, he owns it and if he owns it he is not going to put something on the building that he thinks will create damage to the building in any way. It just didn’t make sense to Mr. Rourke, ultimately, and again maybe speaking a little out of turn, the Commission did refused that particular request to have another building done the same way. It seems to Mr. Rourke as he reads the minutes for this group that there is no consistency to what he has seen here. He added that it is important for people to understand the frustration that is going on for this group for certain things. Mr. Rourke stated that he absolutely believe that every person in this room, every person on this Commission, 100% believes in their goal but he does believe that goal belongs with the Historical Society not with a Historical Commission that is going to control how homeowners end up their own property.

Council Chairman Slocum asked Mr. Rourke about the costs directly associated with the renovation project and if he had a number in his head as to what the additional costs might have been? Mr. Rourke replied that from the initial approval by the Group and then the ultimate changes to that was probably in the $10-15,000 range, including time, changes to design and plan, the new windows and plexiglas and some other changes that were made….probably $15,000. Mr. Rourke noted that the whole project was 10 times that cost. To keep the actual porch looking the way that it looks, was probably in the $40-50,000 range because they did want it to stay the way it was because they new the Group had issue with the TB possibilities so they did say OK, we will keep it looking like a porch. Mr. Rourke stated that they did agree to put the railing up there and to do all windows in the room. He added that they may not have done that if they didn’t know that this Commission had that particular biases. Mr. Rourke noted that he is not against that bias, he had planned to do that, but then again, they were ridiculous after that.

Bob Giddings, representing the First Congregational Church was the next person to come forward. He read the letter sent to the Historic District Commission dated September 1, 2010 from Martha Lape and Alan Skiparis, Co-chairs, Board of Trustees at the First Congregational Church.

Chairman Chesanow stated that she would like to reply to some of the comments addressed in the First Congregational Church letter. She stated that she wanted to address item # 2 “Decisions of the Commission are inconsistent.” Chairman Chesanow explained that the first application by the First Congregational Church for a porch replacement used the same materials as the second application. The first porch project was reviewed for a Certificate of Appropriateness and the alternate materials were approved. When the second porch Certificate of Appropriateness application was submitted as an exemption, it was explained that because of the
change in material a Public Hearing would be necessary. Chairman Chesanow explained that the same level of review was done for both applications.

Mr. Johnson asked why was the material denied for the second porch project and approved the first time? Chairman Chesanow explained that the second porch project was presented as an exemption and that was denied and then went forward for a Public Hearing for a Certificate of Appropriateness because of the change in materials, which was approved after the Public Hearing. She explained that the project should have been submitted as a Certificate of Appropriateness application but rather was submitted as an exemption request. Both applications were reviewed in the same manner, with a Public Hearing to review changes in materials for a Certificate of Appropriateness application and both applications were approved.

Chairman Chesanow talked about public ways, which by State definition is a way, street or place where the public goes. She explained that the First Congregational Church and St. Peter’s Church both have rear access ways or driveways that go back to parking lots that could be considered public ways. Chairman Chesanow stated that it would be her suggestion to get a legal opinion on these types of access ways so that the Commission can move forward with the knowledge of how they should be applied when considering Certificate of Appropriateness and Exemptions for the abutting property owners.

Chairman Chesanow responded to item # 4 of the First Congregational Church’s letter regarding the assessment of additional fees. She stated that the proposed fee schedule has not been finalized and is only a suggestion to the Ordinance Committee at this time. She explained that in her research, fees for Historic District Commissions vary from town to town from no fee to up to $100, currently the Certificate of Appropriateness application fee, no matter what the project, is only $25.00.

Mr. Giddings asked if there was talk of an additional fee if an application goes to a Public Hearing and more has to be done? Chairman Chesanow replied no, noting that she didn’t have a copy of the proposed fees in front of her. Anne Giddings, Town Council Liaison, stated that she did have a copy of the proposed fee schedule. Chairman Chesanow reviewed it and stated that the fee would go to $30 for projects that cost under $1,000 and for projects over $10,000 the fee would be $150. There is no additional fee for additional Public Hearings. Chairman Chesanow invited any of the members of the public to come forward with their comments, questions or suggestions for the proposed Historic District Commission fee schedule.

Mr. Perrotti commented that he didn’t think there should be any fee; he didn’t think it was fair that the property owners had to pay any fee.

Katherine Duffendack, a member of the First Congregational Church came forward and stated that she doesn’t have to pay these fees on her house, down the road, outside of the Districts so she doesn’t see why property owners within the Historic Districts should be required to pay extra fees, whether its $0.10 or more to do something to there house that no one else in Town has to.

Ken Earle of 268 Sharon Drive stated that he agreed with Ms. Duffendack. He felt it was onerous to expose one part our society to more taxes and more fees and not
have everyone pay these fees. Everyone wants their house to look nice, they all want to keep them up because we live in Cheshire but this is ridiculous.

Mr. Rourke came forward again and stated that a lot of time when we talk about fees, it is per project. He noted that he came to the Commission 3 times last year, each time is a new $25 fee and he will have to pay that fee for each project, for as long as he owns the building, each time he wants to do something to the exterior of his building. All of the property owners of the District have to pay every time they want to come before the Commission, so it’s not just a one-time fee. For those that aren’t in the District, they may have to pay Zoning fees and such, all of us have to do that but Historic District property owners have to pay this additional fee. Quite candidly, there are a lot of people in this room tonight that are spending a lot of man-hours because of this issue. Those man hours, on some level, cost money and its important for the Town Council to understand, this is something that none of us should have to be doing. If we didn’t happen to have buildings where they were, then we wouldn’t have to be doing this.

Town Councilman James Sima asked about the cost of these fees and the need for a Public Hearing and the posting in the paper, is there a way that the rules could be changed or do you always have to have a Public Hearing? Chairman Chesanow replied that the State Statue requires a Public Hearing for every Certificate of Appropriateness, which is required when property owners want to make a change to their building. Mr. Sima asked if that is part of the Town Ordinance? Chairman Chesanow replied yes. Mr. Sima commented if the Town Ordinance was changed or altered, all that would go away? Chairman Chesanow replied that every state that has Historic Districts requires a Public Hearing for a Certificate of Appropriateness but the fee for a Certificate of Appropriateness application is not established by the State. Mr. Sima stated that somewhere along the line, in the Ordinance the Town decided to base it on State Statutes, if that verbiage was removed than it would no longer be the State Statute that would be applied but it would be the rules of the town of Cheshire, changing the whole dialogue that is happening here. Chairman Chesanow commented that she is not sure if that could be done and suggested that the Town Attorney would need to review that.

Town Councilman David Schrumm stated that all of the Zoning Regulations, Inland / Wetlands Regulations, a lot of what the Town does is prescribed by the State. For example, Zoning Regulations cannot just be made up out of nowhere; there is a certain way that the Town has to do them, as creatures of the State. Mr. Schrumm added that there might be some way to make this process easier. Inland /Wetlands and perhaps Planning & Zoning can declare something “non-significant” and therefore doesn’t need the level of scrutiny that other applications need. This is something that the Town Attorney would have to look at; does the State Statue allow the Commission to declare something “non-significant”? Instead of sending everything through the entire process, you could say that the issue is not that critical. Again this would become a judgment call…

Mrs. Giddings noted that is reason # 2 for the Certificate of Appropriateness Exemptions. Chairman Chesanow stated that there is a small list of not regulated items such as jungle gyms and clotheslines. She stated that perhaps other items could be considered to be added to the list, such as replacing gutters with the same
material and design or replacing roof shingles with the exact same product or replacing pieces of siding.

Mr. Slocum commented that he had attended some of the 2004 Study Committee meetings and recalls the fact that it is the front of the house, and certainly all the pictures in the report show the fronts of the houses but we have heard comments tonight associated with people with clipboards going around the sides and backs of houses, which does seem a little intrusive. He asked the Commission to speak to that, noting that he does know that Inland/Wetland Commissioners trudge thru swamps and members of the Planning & Zoning Commission can make separate visits to an applicant’s property. If the understanding is that “it’s visible from the public way” can’t we reasonably assume that is what the Town plows for example Cornwall Avenue. The Town doesn’t plow the driveway that goes to the back parking lot of the First Congregational Church. Chairman Chesanow commented that this is why she would like to get a legal opinion on this subject. Mr. Slocum stated that this Commission doesn’t really have State oversight other than guidelines. He is not suggesting that the Commission violate rules but if we start by asking if its OK, we certainly probably not going to get the result that is satisfactory to people in the Districts regarding that driveway for the church parking lot. Mr. Slocum stated that it concerns him that 3 sides of somebody’s home is now impacted when the fronts of somebody else’s home are only impacted.

Chairman Chesanow stated that there is an extra burden for those properties on a corner such as the Esty’s home on the corner of Cornwall and Preston; and her home on the corner of Cornwall and Pine. Mrs. Giddings noted that Chairman Chesanow just referred to named streets, not on the corner of the street with a private driveway. Chairman Chesanow reviewed the definition of “public use”, which is why she feels a legal opinion is needed. Mrs. Giddings replied that the Commission could define a public way any way it wants. Mr. Slocum added that is what he is suggesting, the Commission has that authority through its own common sense to make that definition and let these folks challenge the Commission’s definition. Chairman Chesanow replied that is something the Commission had proposed but was unsure if legally they could, so again the question of an attorney comes in. She stated that the Commission was ready to say that these couple of streets as well maybe one other that goes through Cheshire Academy probably were privately plowed and therefore these were not….but they were not legally sure they could do that.

Mr. Giddings noted that the back driveway to the First Congregational Church parking lot, which he thinks they are all talking about, is posted “Not a Public Way”, and the only reason there is not a locked gate across that is because the Fire Marshal required that they remove it a few years ago. That would make it a private drive, but for safety reasons they can’t do that. Mr. Giddings stated that he doesn’t think that changes the actual definition of that driveway being a private drive and not a public way.

Ms. Duffendack commented that it is posted no thru traffic, it is posted to keep people out, and it is private property that belongs to the First Congregational Church. The fact that people use it illegally against the desire of the Church does not, to her, make it a public way. She added that perhaps they need to ask the Police to get there and ask them to hand everyone a ticket for trespassing, but she doesn’t think
they really want to go that way. Just because it is used as a short cut does not make that a public thoroughfare.

Mr. Chapman, a Junior Warden of St. Peter’s Church, was present and stated that he takes exception with the definition that the driveway is a public way. It is private property that is shared with Humiston School, which is exempt from a Historic District to begin with. Mrs. Giddings interrupted and stated that it is not exempt, only institutions of higher education. Mr. Chapman continued saying it is a shared private drive for use by the Humiston School and St. Peter’s parishioners, it is not a public drive. There is a road into the cemetery, but that is closed off for the most part.

Ms. McWeeney stated that she wanted to make the point that we are having this extended discussion and it directly impacts her property. The heart of the problem lies in the fact that they were misled. They were misled from the beginning when they voted for the District; we were told that only the front façade of our home would be subject to the District. These conversations are a result of us being misled, she is sitting her feeling saddened and frustrated by the conversations that are occurring because she and several of her neighbors feel they were mislead when they voted for the District.

Chairman Chesanow stated that everybody was given sample Regulations and a copy of the State Statute, which talks about visibility, and she agrees with Mr. Schrumm and Mr. Slocum that if there is something that we could do just locally to define…

Joe Bango of 171 Cornwall Avenue interjected to say he feels he was deceived when Ms. Chesanow came to his house and wanted him to vote in favor of the District. You said that it was only for the front of the house, anything that was consistent with the period….He feels that this Commission has been arbitrary in the way it handles matters. He doesn’t consider this a Historic District but rather a hysterical district. Mr. Bango stated that he feels he can speak for most of the people in the District when he says; they “want it out”. He stated that he has held off on doing repairs and certain things to his home because he has seen what Laurie Butler has had to go through, what Peter has had to go through, what Jeff next door has had to go through and everybody else. Mr. Bongo stated that his is ridiculous, the intent was fine but he has had his share of clipboards walking around his house and everything else and he feels like this is not a neighborly organization. Anything that is done right now to patch this and patch that….forget the legal opinions. Mr. Bongo stated that he feels he is speaking for the majority of the people in the room when he asks what is the process to eliminate this?

Mr. Perrotti asked, what is the process to eliminate this? Chairman Chesanow replied that she did not know.

Mr. Johnson stated that he send Mr. Sitko this same question, via e-mail. He then forwarded the message to Mary Dunn at the Connecticut Department of Cultural and Tourism. She stated that a study needed to be done to remove the Districts and an approval of two-thirds of the property owners to remove the Historic District. The next step would then be the repealing of the Town’s Ordinance, which created the Districts, in the same manner that any other Town Ordinance would be repealed. Ms. Dunn’s opinion was that the State Statutes are silent on the subject but there are 2
schools of thought on how a District could be dissolved. Neither one has been attempted or tested in courts. The Town legislative body can vote to dissolve the District following the local process by doing so, notice, public hearings, petitions, etc. A re-ballot could be done of the effective property owners before a town body votes. Ms. Dunn talked about a couple attempts to repeal, one case in West Hartford and another in Berlin where they tried to change the Ordinance. Mr. Johnson stated that all of this is fine and good but there is nothing in the State Statute that talks about dissolving a District or how to secede from a District, which is perhaps a flaw in the State Statute. The opinion of the State Commission is that the Town passed an Ordinance and can repeal an Ordinance at any time. The people that are affected by this Ordinance are in this room tonight and they don’t like the Ordinance.

Mr. Slocum stated that if they were to embark on such a plan, there would necessarily have to be some of the processes that enacted the Ordinance, including a Public Hearing. Mr. Johnson commented that, OK, you would have to have a Public Hearing and you would have public opinion as to whether it should be repealed and then you would decide if it is repealed. In fairness to the district, Mr. Slocum stated that a balloting of all involved parties would be taken, in the same manner of the formation, with one vote per property owner within the Districts. It was noted that there were 9 property owners present tonight of the Historic Districts. Mrs. Giddings noted that the Town is also a property owner and Mr. Johnson stated that he believes the Town cannot vote. Mrs. Giddings noted that here are also 8 property owners in the South Brooksvale Historic District.

Joe Franco of 64 Cornwall Avenue came forward to say that he is not in favor of the repeal of the Historic Districts. What troubles him is that it took 30 years to make this happen and to walk in here tonight, the air is so thick, it must be very tough to sit here tonight at that table. Mr. Franco asked, what happened to the support for these Districts that we had? When you sit on a body like this, it’s all about common sense to him. He asked about the fees and where do they go? Mr. Franco commented that a flat rate fee shows integrity and camaraderie. We are all from the same neighborhood, but he likes to look at the people in this room, you are Mr. Franco’s neighbors and I am hearing some of the same rhetoric when we tried to pass the District 3 or 4 years ago. It troubles Mr. Franco that we haven’t gotten beyond this. It troubles him that he his hearing a lot of distrust and mistrust in the room, he thought they were beyond that. It disheartens him to sit here and listen to hear it is still here. If its here, it's because we aren’t trusting each other, we are nickel and dime-ing ourselves. That’s not how you gain trust and how you gain the respect of the Commission. Mr. Franco stated that he is not saying the Commission is doing that but the perception is and people believe in what perception is, and then this Commission has its work cut out for them. What we need to do is clean that up and change the perception of the neighborhoods toward the Commission. The Commission needs to work on behalf of the neighborhoods that are sitting here, which he is not saying the Commission hasn't, but after all the work and all the time and all the meeting and all that went on, Mr. Franco stated that he didn’t think we are at a point where we need to dissolve the Commission, he thinks they need to re-prove the credibility with the neighborhoods. If they do that and if they look at some of the fees and what should be more common sense, Mr. Franco thinks that is what the neighbors are asking for.
Mr. Slocum asked the public present, of the folks that are in the room tonight, the folks that had to deal with the Commission for the most part? In response, 4 property owners present tonight acknowledged that they had been before the Commission. Mr. Johnson noted that there were a number of neighbors that he had gotten in contact with that have not had any involvement before the Commission and they were neutral.

Mr. Schrumm commented that a lot of effort has gone in to creating these Historic Districts, over 30 years, and it is a worthy goal. To just dissolve the Districts may not be in the best interest, though. Mr. Schrumm noted that the property owners concerns are probably typical growing pains of every Historic District Commission in the United States. The Commission makes judgment calls, just like the Planning and Zoning Commission and the Inland/Wetland Commission. The Historic District Commission is made up of neighbors and other Town members. Mr. Schrumm commented that he is not ready to throw it out but rather he would like to see if they can fix this thing and make it work for everyone involved. Mr. Schrumm stated that he would hate to be the 1st in the State to repeal a Historic District. He added that he has had to deal with a Historic District Commission in another town; he knows its not always easy but in the end it was worth it.

Mr. Anderson asked if any of the property owners present tonight voted for the Historic District and the majority of those present said yes.

Mr. Sima stated that there are going to be issues if the Districts are just eliminated, property values will change. There will be a lot of work on both sides with the Historic District Commission and the Ordinance to fix this situation and make it more pleasant for everyone.

Mr. Perrotti questioned the comment on the value of the properties, stating that the current issues with the Historic District Commission bring down his property values.

Peter Taylor of 185 Cornwall Avenue came forward and stated that he does not believe his property should be considered historic because it was built in 2004. He stated that it has been included in the District even though he was told during that it was “non-contributing” when the Districts were being established. Mr. Taylor stated that he does not want his property to be considered historic, he never wanted deed restrictions but he considers this designation a deed restriction. Mr. Taylor explained that for over a year he has been a “student” of the Historic District Commission, attending all but 2 meetings. He does not agree with some of the decisions the Commission has made or with some of the materials the Commission has approved. Mr. Taylor stated that he respects the intent and concept of the Commission but it doesn’t work. Mr. Taylor asked the Town Council to conduct a sunset vote to change the District or keep it the same he is also requesting that 185 Cornwall Avenue be removed from the Town Center / Cornwall Avenue District because it is not a historic property. In addition to his testimony this evening, Mr. Taylor did submit a detailed letter of his concerns to all those present tonight, including the Historic District Commission members.

Mr. Slocum questioned Mr. Taylor’s comments about changing his mailbox that he referenced in his letter. Chairman Chesanow stated that Mr. Taylor does not need the Commission’s approval to change his mailbox, it is not regulated. Mr. Taylor
commented that he had read in the Historic District Commission’s Regulations that it was regulated.

Mr. Sima questioned why Mr. Taylor’s property was included in the District and not the property across on Cornwall Avenue? Mr. Torello talked about the continuity that was needed when forming the District boundaries. No gap in the properties is a requirement of the State.

Mrs. Giddings also questioned why # 17 and # 19 were included but not # 18? She also asked why Pine Terrace was not included?

Mr. Taylor commented that he didn’t even know that his property had been included in the District until 2008. He added that he had voted no for the Historic District formation.

Mr. Slocum stated that he would welcome the opportunity to go through some of the serious and meaningful complaints to see how to right this ship for Cheshire, before the State gets involved.

Chairman Chesanow asked how Mr. Slocum would like to proceed? Mr. Slocum suggested that this going back to the Ordinance Committee was the appropriate place.

Mr. Schrumm stated that the Ordinance Committee should look to see if there is something that can be done for this process, he noted that you can’t make everyone happy and that some technical changes may be needed. This is going to take a lot of time and effort on everyone’s part.

Mr. Torello stated that he is an alternate member of the Historic District Commission and was a member of the Study Committee; he is an architect and planner and has been before many Historic District Commissions in his professional capacity. Mr. Torello stated that he would resign from this Commission if it meant more District property owners would be involved, if it would help. He stated that if the participation he sees here tonight continues in this process, Mr. Torello believes that they could get the Historic Districts and their Commission to work. He added that he has been before other Historic District Commissions across the State and this Commission does not operate any differently than the others. The effect that a Historic District has on its property owners is hard to determine, but Mr. Torello believes that they exist for the common good of the Community. Mr. Torello added that he lives on Maple Avenue and he tries to stay consistent with the goals of Historic Districts, even without being regulated by the Historic District Commission.

Mrs. Giddings suggested that the Commission work on drawing up a list of items that the Historic District Commission will not be regulating or requiring approval for. Chairman Chesanow commented that she would like to see a large list of items in place, as well, for the property owners and would also like a decision on Cheshire’s determination of a public right of way settled.

Mrs. Giddings stated that this is a regulatory body that was established by State Statute. Anytime someone is subject to regulations, there is disparity and inherent problems.
Mr. Anderson commented that the perception of living in a Historic District is a matter of viewpoint. He believes it would be an advantage to him if his house were in a Historic District and statistically homes have held or have a higher value in Historic Districts across the United States. The big picture is that the Commission is not in place to please everyone one all of the time, but rather to preserve the inheritance of the Town.

Mrs. Giddings replied that the people here tonight view this Commission as a problem and if the Commission doesn’t accept that there is a problem, we are never going to get anywhere. The event-ment of decisions by this Commission is being questioned. Mrs. Giddings referred back to the First Congregational Church porch applications that were discussed earlier. She stated that in the Commission’s minutes it stated that the Parsonage porch work was considered very minor. So when the second porch project at the Whiting House came in, wouldn’t it have been easy to say that there are no character defining issues related to that project? This was not the case.

Mr. Slocum stated that the Town Council, through the Ordinance Committee, will meet with the members of the Historic District Commission fairly soon to discuss this situation more fully and completely. He asked that the minutes from this meeting be shared with all members of the Town Council.

Mr. Giddings commented that for 185 years the First Congregational Church has done a pretty good job of taking care of their property, it is in good shape and remains historically accurate. The level of bureaucracy they now have to deal with, with the Historic District in place says to them that the Church is not doing a good job.

Chairman Chesanow replied that the Historic District Commission has never said the First Congregational Church are not good stewards, in fact it’s been quite the opposite.

Mr. Giddings questioned why the Commission allowed the First Congregational Church to replace a slate roof with asphalt shingles and Chairman Chesanow replied that it was due to the expense of the slate, in comparison to the asphalt, even though the slate would have been more historically accurate.

Mr. Rourke stated that he had talked with some people that were interested in the Keller Stove Shop buildings until they were told it was part of the Historic District. They were afraid to rehabilitate the buildings with the Commission and decided they would rather go somewhere else. It is not always realistic and the Commission needs to make some exemptions to some of their rules. Mr. Rourke added that it must be difficult to sell that property under these circumstances and he noted that is a terrible eye soar for the Town.

Mr. Anderson replied that the $500,000 asking price could have something to do with the minimal offers being made on the Keller properties. He stated that this Commission is not trying to be the experts; they look for guidance from the State, the Connecticut Trust and other towns, but added that things can be fined tuned for
Cheshire. Mr. Anderson would like to try to make the Historic Districts work here in Cheshire, like they do in other towns.

Mr. Slocum concluded by saying that by and large the Town takes pride in its historic properties but the Towns people have a problem and we all need to work together to find the best resolution for everyone involved.

IX. ADJOURNMENT

MOTION by Joe Dattilo that the Historic District Commission regular meeting of September 7, 2010 be adjourned at 8:45 p.m. SECONDED by John Torello.

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

The motion passed 5 - 0.

Respectfully submitted:

Tracey M. Kozlowski
Recording Secretary