

SOUTH OF THE GREEN HISTORIC DISTRICT  
MINUTES OF MEETING HELD WEDNESDAY, AUGUST 8, 2007  
CONFERENCE ROOM B, PARSONS COMPLEX

**1. ROLL CALL**

Members Present: Carol Molloy Smith, Kevin DeMarco, Arthur Paulson, Timothy Casey, Sr. (7:45 p.m.)

Alternates Present: Walter Ortoleva; Arthur W. Stowe, Robert Tyrrell

Members Excused: Colleen Noyes

Chairperson Carol Smith called the meeting to order at 7:08 p.m., noting a quorum was present.

**2. APPROVAL OF THE MINUTES OF THE JUNE 13, 2007 MEETING**

Mr. A. Paulson moved to approve the minutes of the June 13, 2007 meeting, the motion was seconded by Mr. Tyrrell.

Mr. Stowe commented City Clerk, Alan Jepson, told him that this Commission could not call themselves "South of the Green" because they had already been named "Historic District II".

Ms. Smith stated they could add an a/k/a.

Mr. Stowe stated Mr. Jepson had also stated the Resolution of the Aldermen was to create Milford Historic District II and that is what the aldermen by their noted named this Commission.

Mr. Paulson stated they could add a/k/a South Green.

Mr. Paulson and Mr. Tyrrell made and seconded a motion to approve the name of the Commission as discussed.

Chairperson Smith noted the name change in the minutes.

Motion to accept the minutes approved as corrected.

### **3. Chairman's Report**

Chairperson Smith reported Mr. Crabtree stated the Commission should purchase a date stamp for when applications are received. She stressed the importance everything they receive be date stamped.

### **4. Old Business**

Chairperson Smith reported she has been researching the statutes. Chairperson Smith suggested they re-order the agenda and move to "New Business" unless any member has any old business for discussion.

Mr. Paulson moved and Mr. Stowe seconded a motion to re-order the agenda and move Ferrara to the first position for discussion and discuss Rules of Procedures for the Commission as second. Motion carried unanimously.

### **5. New Business**

Discussion – Re: Ferrara Application

Chairperson Smith explained this Commission must issue an appropriateness of the fence and noted there is a violation with the existing fence. She explained the applicant wished to put up a 4' solid fence which is a violation. Chairman Smith stated the applicant pulled that permit and will now put up a picket fence.

Mr. DeMarco commented they do not govern fences for the historic district and that it is a Planning and Zoning issue.

Chairman Smith stated it is before this Commission because of the zoning violation.

Mr. Stowe stated he also did some research, specifically Connecticut General Statutes 97a §147a – Authorized Definitions and read the language.

Mr. DeMarco commented he also read it but stated he read it that it was up to Planning and Zoning and not this Commission. A discussion ensued as to the fence.

Mr. Paulsen commented appropriates is a separate issue and the authority is with Planning and Zoning.

Chairperson Smith explained the reason Planning and Zoning sent it to this Commission was to determine whether it is appropriate to the neighborhood. Discussion continued as to the fence.

Mr. DeMarco asked when it was received.

Chairperson Smith responded around 8:15 a.m. She stated she still has time for letter and that this Commission needs to get the notice in the newspaper.

Mr. Stowe stated the discussions tonight were information and not vote would be necessary.

Mr. Paulson asked if the second time line is the five (5) day time line. He also stated the applicant must show certification of mailing five (5) days prior to the hearing. He stated this Commission must also announce the hearing in the newspaper and if they solicit an opinion from an expert they may have to publish that as well. He also spoke as to the process and stated when an application is received it should be stamped and dated. He stated they could also create a form letter as to what the procedure is.

Mr. Paulson moved and Mr. DeMarco seconded a motion declaring what starts the clock is the date stamp upon receipt of an application and that the Commission would supply the applicant the Committee's procedural instructions, in writing.

Mr. Tyrrell asked who would create the letter.

Mr. Paulson spoke as to the responsibilities that should fall upon the applicant. He stated he also believed it is the Commission that submits to the newspaper.

Motion carried unanimously.

Chairperson Smith asked if someone would be interested in writing the letter.

Mr. Paulson stated he would do a draft letter for approval by the Commission.

Chairperson Smith stated the application they received would be dated August 4, 2007 and the amended application dated on August 8, 2007.

Mr. Paulson asked about the 21-day clock. He also asked if the Commission would have a hearing and also act on the application on the same night.

Mr. Stowe commented he thought they would be able to as long as it had been properly noticed. A discussion ensued as to the process of when voting takes place on the application.

Mr. Stowe commented it would not be inconceivable that this Commission would table an application because changes may be necessary and/or work done on the application.

Mr. Casey stated it could be discussed but full disclosure as to what is being proposed. He stated it was his understanding what this Commission was discussing is the appropriateness of fences.

Chairman Smith stated she would seek the opinion of the City Attorney as to what this constitutes.

Mr. Casey and Mr. Tyrrell made and seconded a motion to approve the procedure of a meeting. Motion carried unanimously.

Mr. Paulson and Mr. Casey made and seconded a motion to accept the rules of Historic District #1 as the permanent of this Commission.

Mr. Paulson noted the Commission could amend the rules at any time.

Chairman Smith stated she went through the proposed rules and existing rules of District #1 and noted the recommendations they were going to recommend to this Commission. She spoke as to jurisdiction and compensation, which she stated are completely different. She stated it might be hasty to adopt these rules until they can come up with our own.

Mr. DeMarco noted the proposed are more "wordy". He also noted some of the adopted rules have some things missing and that he believe they need to be adjusted.

Mr. Ortoleva commented he noted the amount of the fee.

Mr. DeMarco spoke as to the cost of the permit.

Mr. Casey stated he would withdraw his second and Mr. Paulson withdrew his motion.

Mr. Casey stated the application still has to be noticed to the public in the newspaper and that there would be no action tonight.

Chairperson Smith agreed it would have been pre-mature to bring the applicant here tonight. She stated she would draft a reply letter to the applicant.

Mr. Paulson suggested the applicant receive a copy of the Commission's current rules. He also noted if they are going to have a public hearing in 21 days they have to file the notice with the newspaper and the applicant needs to supply a copy of that notice.

Chairperson Smith stated she would take care of the notice in the newspaper.

Mr. Casey asked if the applicant would be providing the architectural rendering.

Mr. Ortoleva noted they only saw the footing.

Mr. DeMarco stated according to the rules they need a copy of the elevation.

Mr. Stowe commented the application is basically incomplete and stated the letter to her should state the Commission needs a rendering of architectural drawing.

Mr. Casey indicated there are specific references of fencing and garages. He stated Planning and Zoning should be able to help with the writing of that.

Mr. Paulson stated the simplest things would be to give the applicant a copy of the rules.

Mr. Stowe suggested they contact Mr. Clark.

Mr. Paulson reiterated the applicant be given the rules. He also noted the August 4, 2007 date starts the 65 days in which this Commission needs to have a hearing.

Mr. DeMarco stated the amended application should be dated August 8, 2007. He stated the original application was received August 4, 2007 and the amended application received August 8, 2007. Discussion ensued as to the 65-day period.

Mr. Casey asked if the September 12, 2007 meeting is a public hearing.

Chairperson Smith responded yes. Discussion ensued as to the procedure of the public session.

Mr. Casey reiterated this addition is going in on the cusp of the historic district. He also noted the original structure was built in 1870. He stated the new garage and fencing requires a certificate of appropriateness from this Commission.

Chairperson Smith suggested they send the applicant a letter that this Commission requires a certificate of appropriateness for the fence and garage and not the sunroom.

Mr. DeMarco asked the elevation of the current garage and is the applicant is changing it.

Mr. Paulson stated it might be pre-mature to make a decision on the sunroom.

Mr. DeMarco stated they needed to know if the roofline would change.

Mr. Paulson stated they spoke earlier regarding the responsibility of Planning & Zoning. He noted this application is two separate issues. He asked if the Commission might want a format as to when an application should come before them, i.e. should it go to Planning and Zoning first or should it come before this Board first. He asked what the policy is.

Mr. DeMarco stated they should always go to Planning and Zoning first because they need to get compliance from Planning and Zoning.

Chairperson Smith stated she spoke with Planning and Zoning and that when applying for a variance, a certificate of appropriateness is necessary. She stated in this issue it would help the applicant to obtain a variance, but in this case it was reversed.

Mr. Ortoleva asked what would happen if someone came before this Commission first. A brief discussion ensued.

Mr. Paulson stated it was important to keep the issues separate when they look at the appropriateness issue and that Planning and Zoning would set the burden of proof.

Mr. Casey spoke as to the garage as an example and asked stated a question might be, is it the right thing for the second Historic District.

Chairperson Smith asked when is it appropriate to contact an architect. She asked if it would be after the hearing.

Mr. Paulson read from the rules, which indicated that would be the third clock rule. He stated this would indicate that they would meet prior to a public hearing. He continued reading from the rules. A discussion ensued as to E1 of the rules.

Mr. Stowe commented this was out of character with a house of that time. He asked if this house has been modernized, which house would they then judge it by. Discussion resumed.

Mr. Casey asked about a vinyl sided house. He noted vinyl siding is attached to the house and the rest of it is cedar.

Mr. Stowe commented that as a Committee they should decide the appropriateness. Discussion continued.

Mr. Ortoleva asked about the North Street rules and if they were going to amend those.

Mr. Casey stated they could look at it collectively and then perhaps incorporate them.

Mr. Paulson and Mr. Casey made and seconded a motion to adjourn at 8:49 p.m. Motion carried unanimously.

Respectfully submitted,

Kathleen K. Huber  
Acting for Linda Stock, Secretary