South of the Green Milford Historic District No. 2,

Minutes of Regular Meeting and Public Hearing – Via Zoom – November 11, 2020

Present: Andrew Belden, Christopher Bishop, Elizabeth Kennard, Andy Kozlowski, Walter Ortoleva, Carol Molloy Smith

Not Present: Laurie Quinn, Arthur Stowe

Chairman Bishop called the meeting to order at 6:37 p.m. The regular meeting stood in recess at 6:37 p.m. and the public hearing was called to order at that time.

**Robert & Michele Morton, 18 Reed Street – review of the revised window on an expansion for the northeast portion of the house behind the existing building pop-out on the east wall.**

Mr. Morton explained at the request of the Commission, he has resubmitted the drawings that reflect original intent of the plan. He stated the drawings originally submitted had incorrect information about the window and the updates now reflect the window is a double hung window and will match the original window that was on the 1st floor on this particular side of the house. He added now all windows are identical (double-hung). He stated he is hoping to get approval to install the window that matches the existing windows.

Being no further questions or comments, Ms. Kennard stated she appreciated the revised drawings including the large scale which provides a true representation.

Chairman Bishop stated the revised drawings were very much appreciated.

(Mr. Morton left the meeting at this time).

**Tom & Jen Gerwien, 28 Central Avenue, a review of repairs, alterations and replacement windows to the house**.

Chairman Bishop explained this application is for work that has already been done to the house and this work is under the jurisdiction of this Commission, specifically replacement windows.

Mr. Gerwien explained they had replaced windows at the house, they did not alter the size of the windows and included changing the window facing the street from double hung to a single hung and added sashes. He stated all windows are the same dimensions.

Chairman Bishop stated he was not sure the Commission agreed with the opinion regarding the windows as the change went from single pane double hung windows to 6 over 6.

Mr. Gerwien stated they added sashes to the windows and the front porch window went from double hung to single pane.

Mr. Ortoleva stated that window on the front porch is more like a picture window now.

Mr. Gerwien explained the windows in the house did not have locks and were not insulated. The front porch window was a single pane and they personally were not safe and they felt the style was that of the neighborhood.

Ms. Kennard asked if the mullions were internal on the new windows and she was told they were custom made and are on the inside of the window.

Ms. Kennard stated she is referring to the window on the 1st floor on the porch.

She went on to ask if there were any other exterior improvements and Mr. Gerwien explained they replaced other wood that was rotted, clapboard and pine for pine. He stated everything is the same dimension and the only thing different is the windows on the porch.

Mr. Ortoleva explained he had noticed work was being done on the house for a while and it was known the wood on the upper level was rotted but it wasn’t until he noted the windows were being replaced which at that point were already purchased that the work became a concern. He explained that if they had gone through regular procedure with this Commission we would have told you that the windows were one over one and probably should remain that way. He explained the problem is the panes in the window and if they had followed protocol we would have voted to have you stay with the single one over one window. He added the lower window has now changed to a picture window and the one over ones changed to six over six. He questioned if the owner had any idea that the work would have fallen under the consideration of this Commission.

Mr. Gerwien recalled driving through the neighborhood and saw many six over six windows and he never thought it would be a question.

Ms. Smith asked if they had ever received information that they were purchasing a home within a historic district.

Mr. Gerwien stated they knew it was in a historic district but did not realize that this particular project would be a problem. He stated he personally felt six over six windows are more historic than single panes.

Ms. Smith explained the six over six window is an older style than this home and it is not compliant with the Dutch colonial architecture of the home and the design does not agree with the time that the house was built.

Ms. Kennard noted there may be many houses in the neighborhood with six over six but it is not reflective of the style of this house.

Ms. Smith also noted those houses may have had that style window put in before this Historic District was established.

Ms. Kennard asked how long they have owned the house and Mrs. Gerwien stated 14 years and noted they were not trying to circumvent the process but had no idea that replacing windows needed to be vetted through this Commission. She also noted they looked around the neighborhood and thought their choice fit in with the style and they were primarily trying to improve the integrity and safety of the house.

Ms. Smith asked if they had gone to the Building Dept. originally and Mr. Gerwien stated they did not since they felt it was just a matter of replacing windows.

Ms. Smith also remarked about the shutters and she was told the shutters have not been repainted yet and they will be repainted and put back in place.

Ms. Kennard stated she realizes this is a difficult situation for the homeowner as well as for the responsibility of this Commission who is trying to preserve the neighborhood which is the charge of this group. She stated now we must decide as how to proceed adding this Commission can outline options and grant the COA which would help with the Building Dept. process.

Chairman Bishop stated one option is deny the COA in which case the homeowners will not get a permit for the work that has been done and if the Building Dept. is contacted, he was not sure what would happen. He noted this Commission can require the homeowners to remove the windows and go back to what was originally there or replace them with windows that we do grant a COA for and if they don’t then turn it over to the Building Dept. which at that point there would be fines involved. He added he did not want to have this end up in that situation.

Ms. Kennard stated the Gerwiens have outlined the way they felt about the project and we should share with them what the options are. She stated somewhere along the line, if we don’t give them the COA and they would be in non-compliance as noted by the Chair. She stated the worst case scenario is they are required to change the new windows.

Ms. Smith stated it is important to note that our actions can set a precedence and we do not tend to make exceptions. Because the next person that wants to do the same has a question over the fact that you have done it so why shouldn’t they. She added she feels it will look a lot better when the shutters go back up.

Mr. Ortoleva asked if we are proposing that some of it could be allowed to stand or there is some kind of compromise on the windows. He stated he was glad they did the work and improved the house and the neighborhood and he personally felt bad that they put in the wrong windows. He was hopeful some kind of compromise could be reached.

Ms. Kennard reminded members that discussion would require coming out of the public hearing.

Chairman Bishop stated we would have to hear from the Gerwiens that it is all or nothing.

Mr. Gerwien explained they were not in a financial position to replace any of the new windows as they were very expensive and to have them replaced would not be something they could do. He added he apologized for the situation but if the Commission puts them in a position to change all the windows he didn’t know where they would go from there.

Ms. Smith asked out of curiosity if they had received a letter from their real estate agent explaining items that you should adhere to as residents of the Historic District.

Mr. Gerwien stated they purchased the house before it was a Historic District and Mrs. Gerwien stated the guidelines set forth are not clear. She explained they spoke to most of their neighbors and she did not feel the communication has been good in terms of what is vetted by this Commission. She added they would have never gone through this and saved their hard-earned money and circumvent the system.

Ms. Smith explained a very clear letter goes out to each and every member of the district every year, adding this letter is put in each home’s mailbox.

Mrs. Gerwien again stated they had not received anything in the 14 years they have owned the house.

Ms. Smith stated she had been the former Chairperson of this Commission and she had sat with the Vice Chair and worked with the Commission’s secretary to have each letter addressed.

Chairman Bishop stated he did not feel the Gerwiens intentionally went around this Commission.

Ms. Kennard agreed and noted that as much as they are in a difficult position, we do not want to tell homeowners like the Gerwiens that they would have to pull out the windows.

Chairman Bishop noted there seems to be more concern about the front porch window than the other windows.

Ms. Smith stated she did not think the one over one window would be appropriate to be the one different window in the house.

Chairman Bishop felt changing that one window would add to the house.

Mr. Ortoleva stated that one window is a distinction to the house.

Mr. Gerwien stated having one double hung window not six over six would not look good.

Chairman Bishop explained we will vote to approve or deny or table it if we cannot come up with a compromise adding the COA is in front of us so this Commission must take some action on it tonight.

Mr. Gerwien stated if the change in the windows is denied, what happens next and he was told that would be part of the ongoing discussion after public hearing.

Mr. Gerwien explained he went to the Building Dept. after this was brought to his attention and was told he could not get a permit until it was brought to this Commission. He noted that he has gone through the process after the fact and he understood that.

Ms. Kennard asked if the work is finished and she was told just some painting on the side of the house and the shutters.

Chairman Bishop asked if there was a problem if the Commission should approve this with the stipulation that the shutters go back up and he was told that the homeowners like the house without the shutters but if the shutters is the point of decision, there would be no problem putting them back.

Chairman Bishop explained he did not know if that is the issue or not.

Mr. Ortoleva stated he has had windows that were broken and could be replaced and if the decision is to replace the windows it would be the windows and not the frame.

Mr. Gerwien stated he understood but the windows that were put in were expensive and custom made.

Mr. Ortoleva questioned the builder chosen for this and he was told this builder had worked on other houses in the neighborhood.

Chairman Bishop stated the simple reminder to homeowners is that any exterior change to the architecture of the house that is visible from the street is subject to the jurisdiction of this Commission. He noted if the windows were exactly alike, it would still be necessary to come to this body.

Mr. Ortoleva referred to Mr. Gerwien’s comments that they were not aware of the Historic District however the neighbors across the street had come to the Commission about a year ago for window replacement.

Mr. Gerwien stated they told him that earlier today.

Mrs. Gerwien explained the time constraints in their lives and admitted they just learned today that their neighbors were also doing window replacement.

Mr. Ortoleva asked if the homeowners had sent letters to neighbors and he was told they were hand delivered and that he followed the same practice as his neighbor had used when he delivered to him a letter explaining a planned project. He added he recently became aware that the letters had to be mailed and they were.

Mrs. Gerwien added they do have the certificate of mailing.

Mr. Ortoleva stated he owns the house across the street but does not reside there and Mr. Gerwien stated a letter was sent to him and it was sent to the house across the street, adding he obtained the necessary addresses off the tax assessor’s database.

Mr. Ortoleva stated he received the hand delivered letter.

Ms. Kennard reminded Mrs. Gerwien that the certificate of mailing should be submitted to the Commission and not discarded.

Mr. Gerwien asked if they can remain online for the remainder of the meeting and he was told yes.

Motion was made by Mr. Ortoleva and seconded by Ms. Kennard to close the public hearing and reconvene the general meeting at 7:45 p.m. Motion carried unanimously.

Consideration of Minutes of meeting dated October 14, 2020

A motion was made by Mr. Ortoleva and seconded by Ms. Smith to waive the reading of the minutes and approve the minutes of the South of the Green Historic District Commission No. 2 video/telephonic meeting held on October 14, 2020 as presented. Motion carried unanimously.

**Chair’s Report Including Correspondence**

Chairman Bishop stated he has not yet reviewed the revisions to district property owners as submitted by Mr. Belden but he will do so shortly.

**Clerk/Treasurer’s Report**

Mr. Ortoleva reported the balance as of November 11, 2020 was $5,448.26

Ms. Kennard suggested sending those letters to district property owners via certified mail as there is something lacking in the method of communication.

Ms. Smith agreed and added that our process represents good communication to the community.

Ms. Kennard noted since the funding is available, perhaps we should consider that form of mailing for the letters.

**Clerk Report** - none

**Unfinished Business**

1. Letter to District Property Owners – Chairman Bishop again stated he will meet with Mr. Belden on the proposed revisions to the letter.
2. Procedure Memo – Chairman Bishop will work with Mr. Belden on this. Mr. Belden stated the procedure memo has been updated and has been sent to Chairman Bishop and Ms. Smith. Revisions are in draft form and some areas need to be addressed. With regard to the “welcome letter”, he did not feel there is a lot to be changed and the letter definitely lays out the ideas and matters we want to get across. He added he suggests the letter be kept to one page in length but the Procedure Memo has expanded for obvious reasons. He is hopeful the letter can be updated and mailed soon.
3. Update on 21 Central Avenue - Mr. Ortoleva stated the discussion of plans to convert the home at this address to a group home have not been confirmed but he has been told the woman who purchased the house is familiar with this type of home. He added he has heard concerns about this possibility and he had concerns about the additional cars this type of residence might bring to the neighborhood. He explained he had informal discussion with a Milford attorney who told him that a group home must be in a specifically zoned area and this neighborhood is not zoned for that. Further, he explained the purpose of this type of home and the extra traffic and felt that would not be good also noting since the area is not zoned for this type of home, a variance would be needed to move it forward. Mr. Ortoleva stated he did not think the owner had filed application for this group home.

Chairman Bishop suggested perhaps this Commission should be pro-active with this communication we are planning to send out and make it known that the Commission will stay on top of any zoning changes as well.

Mr. Ortoleva stated he will continue to monitor this and report any updates.

**New Business**

**Application for COA:** Robert & Michele Morton, 18 Reed Street – review of the revised window on an expansion for the northeast portion of the house behind the existing building pop-out on the east wall.

Motion was made by Mr. Belden and seconded by Ms. Kennard to accept the change to the window on the northeast side of the house next to the French door as set forth in the revised plans submitted by Mr. Robert Morton. Motion carried unanimously.

Application for COA: **Tom & Jen Gerwien, 28 Central Avenue, a review of repairs, alterations and replacement windows to the house**.

Motion was made by Ms. Smith and seconded by Mr. Ortoleva to approve the COA submitted by Tom & Jen Gerwien, 28 Central Avenue for alterations and replacement of windows with the stipulation that the shutters are replaced in a timely manner.

Mr. Ortoleva noted that we have discussed this in length noting they had storm windows on the house that were eliminated and they added different lines to the one over one windows. He felt he could view the work that was done as an improvement and had they come before this Commission to begin with, we would have probably approved the change.

Ms. Smith felt it would look unusual to change the one window back.

Ms. Kennard stated the homeowners went about their work with all good intentions and felt it is incumbent on this body to make sure we are a known entity in the community. She stated her biggest concern is that we set a precedence once we say “yes” to something outside what we are hoping to accomplish. She felt that would not influence how she would vote at this time but it is important to have people understand what our purview is and why this Commission exists.

Ms. Smith agreed with Ms. Kennard and added it is important to stick to the criteria we set out.

Chairman Bishop noted if the Gerwiens came to this Commission beforehand, I would have recommended we approve it as I think in this case the six over six is appropriate to the district. However, the difficulty here is that it is after the fact and I think we have helped ourselves because with the particular incident the word has gotten out.

Chairman Bishop reminded Mr. Kozlowski that as the alternate member and in the absence of Mr. Stowe, he would now become a voting member for this meeting.

Motion carried unanimously to approve the COA for 28 Central Avenue.

Chairman Bishop stated he would send the COA to the Gerwiens shortly and he thanked them for coming to the meeting.

Ms. Smith stated she hoped they understood this Commission’s position.

There being no further business to discuss motion was made by Ms. Smith and seconded by Mr. Ortoleva to adjourn at 8:10 pm. Motion carried unanimously.

Recorded by Diane Candido