South of the Green Milford Historic District No. 2,

Minutes of Regular Meeting and Public Hearing – Via Zoom –April 13, 2022

Present: Andy Belden, Liz Kennard, Andy Kozlowski, Marc Muller, Arthur Stowe

Applicants: Thomas & Julia Naclerio

Vice Chair Kennard convened the meeting at 6:35 p.m. and declared a quorum present. The regular meeting stood in recess at 6:356 p.m. and the public hearing was called to order at that time.

**Certificate of Appropriateness Application by Thomas and Julia Naclerio, 31 Green Street for replacement of the fence around their yard.**

Mrs. Naclerio explained the current wooden fence goes across the property and connects to neighbor’s fence (in the rear on Pond Street), continues half way across yard (Naclerio’s) to a tree and on the other side of that tree, neighbor on 10 Pond Street takes over and it becomes their fence at that point.

She added the wood fence is 20-25 years old, specific in style from the early 80’s/90’s; includes 4 double gates, 2 double gates at the front and at the back of the property there is a larger double gate which would provide yard access if it was necessary to get larger equipment/truck in. She noted there is a single gate near the patio on Pond Street and another single gate near the garage on the property (on Green Street). Further, the current fence is 3 ft. tall all along Green Street and half of the way down Pond and at that point the fence reaches arborvitae and then goes up to 4 ft. and stays at that height all along the back of the property. Mrs. Naclerio stated they are looking to replace current fencing with a vinyl fence which is close in design to the current fence. The vinyl fence would be less of a maintenance issue than the wood fence which needs to be painted every 3-4 years. She also added if the fence was to be replaced with another wooden fence it could not be painted immediately and would have to sit and “cure” for 9-12 months before applying a coat of paint. It was explained due to the fact the wood fence is old and it was not possible to get the same exact style but the homeowners feel the proposed fence comes pretty close. Mrs. Naclerio shared pictures of the picket style, the gates and hardware and noted the proposed fence would have the same posts as the neighbors on 10 Pond Street which show pickets that come to a full point. She explained flat top pickets are not available any longer and the bottom of the fencing will stay the same with the pickets going below the bottom rail of the fence and that will remain with the gates. Gates will have the same crossbars but the hardware will be black and installation includes the process of holes for the posts in the patio and walkways so it is possible to hinge the gate upon and close it, secured with a better lock.

Mr. Muller questioned of the gate and the pickets on the fence would remain the same size and he was told yes.

Mrs. Naclerio shared a picture of the gate in order to show the hardware but noted the pickets on the gate will also have a flat top to match the other pickets. As well the larger gate in the back will not have a “Z” bar frame but it will be an “X”.

Mrs. Naclerio also explained the biggest change is the posts in that the current posts are round and it is not possible to get those round posts and fence companies do not recommend round posts unless, for example, it is on a horse farm. She added round posts are more susceptible to rot and mold. She explained the posts will be 5” x 5” square, 3” wide pickets with 2 “ between them. The caps will be the same caps as on the fence on 10 Pond Street (traditional New England style).

Mr. Muller asked if the Naclerio fence will tie into the post on 10 Pond Street or have another post and he was told there will be another post which will be beside neighbors.

Mrs. Naclerio again shared all the pictures of the existing fence as well as the proposed vinyl fence.

Mr. Muller asked if there will be a gate across the driveway and was told there would not be. It was further explained there is one 8’ panel at that location that goes from the sidewalk to the porch and that will remain the same in size and height.

Being no further questions/comments regarding the COA the public hearing closed and the general meeting reconvened at 6:57 p.m.

**Consideration of Certificate of Appropriateness Application by Thomas and Julia Naclerio, 31 Green Street for replacement of the fence around their yard**

Mr. Muller and Mr. Stowe made and seconded a motion to consider the proposed application. Motion carried unanimously.

Mr. Stowe felt the explanation of the project was good but expressed the fact he was skeptical as to how vinyl will last compared to wood.

Mr. Muller agreed and noted vinyl is not 100% maintenance free but he felt the owners have done a nice job in matching what is currently in place.

Mr. Belden noted in the past he had to do a lot of work on round fence posts and they are not easy to work with. He added that he agreed the owners have done a good job with maintaining the style and look and felt the new fence will look very good.

Vice Chair Kennard noted she and Mr. Muller visited the property but felt because of the sensitivity previously expressed with regard to fences, vinyl in particular, and since they are becoming more and more apparent in the neighborhood it was best to bring this application to the entire Commission. She also added she appreciates the owner’s efforts to respect what was expressed in initial conversation.

Mr. Muller and Mr. Stowe made and seconded a motion to approve the COA by Thomas and Julia Naclerio, 31 Green Street for replacement of fence around their yard. Motion carried unanimously.

**Consideration of Minutes** –Mr. Belden and Mr. Muller made and seconded a motion to waive the reading of the minutes of the regular meeting held 2/9/2022 and approve the minutes as presented. Motion carried unanimously.

**Chair’s Report including Correspondence** – not available

**Clerk/Treasurer’s Report** – Mr. Ortoleva was not present and no report was available.

**Unfinished Business**

1. Review Study Report Booklet and consider allocating funds to print some copies – remain on the table.
2. Attorney Berchem’s advice as to Air BnB’s, ground mounted satellite dishes and signage – remain on the table.
3. Solar panels – remain on the table
4. Replacement and expansions of driveways and parking areas – remain on the table.

With regard to previous discussion regarding home on 37 Pond Street where work had begun on a project to renovate garage without modification to window and doors. It was noted changing the roofline was approved as well as extending the garage but there are new windows and doors to the structure and the city officials were to evaluate what was presented for permits.

Vice Chair Kennard questioned if a city official goes to the home and the homeowners are not following the design presented, does the city stop the permit.

Mr. Stowe felt they have the authority to do so.

Vice Chair Kennard questioned if without a building permit, they can stop the work and Mr. Stowe explained the work should require a permit.

Mr. Muller explained the homeowner has a permit but Mr. Griffin (Permitting & Land Use office) was trying to evaluate whether the permit is in line with the work that is being done and what had been approved by this Commission.

Mr. Stowe felt that it sounded like the owner was not following what was approved nor what they submitted to the city with regard to what they were going to do.

Mr. Muller noted the owner definitely added windows that were not approved by this Commission and from what it appears the permit from the town was to extend the garage but nothing further beyond that. He added he was not sure if they received a permit to change the roof structure or a permit to add windows and doors.

Mr. Stowe explained that because this body is a municipal commission, the Building Department has to enforce our rulings and the fact that the owners are changing the visuals without approval is reason enough to stop them.

Mr. Muller suggested we express our concern to Chrmn. Bishop followed by reaching out to the Building Dept.

Vice Chrmn. Kennard noted there have been unsuccessful attempts to reach Mr. Griffin by Chrmn. Bishop.

Mr. Muller reminded everyone this matter was brought to the full Commission and acted on and the fact that now it appears the city is not following through on what was asked of them in a timely manner is disheartening. He added this is not the first time we have run into this and it seems to be an ongoing issue. He felt there seems to be a systematic problem that this Commission needs to bring to the attention of someone in the city.

Mr. Belden questioned what exactly are we objecting to.

Mr. Muller explained when the plans were approved by this Commission, the owners had to confirm if there was to be a window in the front and if so he had to come back to us for consideration/approval of that. He further explained there is now an addition of a window in the front and 2 windows in the back as well as a French door on the side which is in addition to the existing entry door. He also noted the new French door is covered with a tarp so it can’t be seen but it is visible from Pond Street.

Mr. Muller felt it would be much easier for the owner to make his appeal to this body to ask us to approve the windows installed after the fact then to have this body put in a cease and desist and

ask him to remove them and then come back to us to approve them.

Mr. Belden questioned whether a window had been installed on the front of new structure and was assured that was the case. Mr. Muller explained there has been some additional work in the back as well and one of the neighbors asked what had been approved and was told just modifications to the garage.

Mr. Belden noted a floor had been poured for the exterior of the garage and the cement truck that did that task got stuck in the mud in the yard.

Mr. Muller noted neighbors are concerned that it was approved for an apartment in the rear of that house.

Vice Chrmn. Kennard stated she will follow up with Chrmn. Bishop regarding our concerns and suggested that this body have further discussion on such issues.

Mr. Muller felt it is disheartening for us to follow procedure and then the city does not follow through on what had been approved and neither he nor Chrmn. Bishop had received a response to their inquiries to Mr. Griffin after multiple attempts to reach him.

Vice Chrmn. Kennard suggested this be placed on a future agenda and perhaps have someone from that department come to that meeting to discuss the issues facing us as well as that department.

Mr. Belden raised the point that we really do not know what the property owner submitted for permitting and Mr. Muller noted what was approved was just an extension of the garage and that is what we are asking Mr. Griffin to validate.

Mr. Belden added the homeowner did get a permit as it is displayed in the window of the home.

Mr. Muller agreed there is a permit and felt it was just for the extension of the garage and if it did not include modifications to the roof line that be an issue for the city.

Vice Chrmn. Kennard noted if the homeowner used the package he shared with this Commission, that included all of the necessary information and the drawings were simplistic.

Mr. Muller noted this body can approve a request and then when the owner goes to the city and submit plans and is asked for structural engineer plans and the owner says they are not going to go with those plans but go with what they submitted to this body. He felt it shows an owner can submit something to this body and something different to the city.

Mr. Belden offered to speak to the property owner and Vice Chrmn. Kennard felt the wheels have been put in motion with the city and perhaps by Mr. Belden doing that could jeopardize his relationship with the owner and that is more than what he should be asked to do.

**New Business - none**

Being no further business, motion was made by Mr. Muller and seconded by Mr. Kozlowski to adjourn at 7:23 p.m.

Recorded by Diane Candido