

HISTORIC PRESERVATION COMMISSION
Regular Meeting
March 19, 2018

The Historic Preservation Commission ("HPC") held their regular meeting on Monday, March 19, 2018, in the auditorium of the Milford City Hall. Chairman Silver called the meeting to order at 7:03 p.m.

Committee Members Present

B. Silver
M. Kramer
E. Johnson
C. Colter
J. Kranz
J. Tramuta (Alt.)

Consideration of Minutes of the February 21, 2018 regular meeting

None.

Public Hearing for COA: 67 Prospect Street

Mrs. Kramer read from a prepared statement and recused herself from the public hearing for 67 Prospect Street and left the dais. Chairman Silver called the public hearing to order and read instructions on the public hearing process. Chairman Silver appointed Mr. Tramuta as an alternate for Mrs. Kramer.

Dominick Thomas, Cohen & Thomas, 350 Main Street, Derby, attorney for the owner of 67 Prospect Street stated the required notices had been mailed and presented the proof mailing to the Commission. Attorney Thomas also presented a packet of information to the Commission. Attorney Thomas commented that he had reviewed the law concerning historic districts and that this is not an historic commission as there is a state law procedure for the creation of such a district. Attorney Thomas discussed the creation of the ordinance and the need for regulations and standards. He further stated that the ordinance at Section 8-225 (b) should only be applied by the Commission when there is no other feasible or prudent alternative. Attorney Thomas also discussed analyzing the CFR and taking economics into consideration. He further explained that economic feasibility is key in this presentation. Attorney Thomas then discussed the structural engineer's report. He also submitted and discussed an insurance damage report. He stated that restoring all the damage would vastly exceed the value of the property when completed and therefore would not be economically feasible.

Attorney Thomas then stated that this Commission had been created in 2015, but did not operate until 2017. He further stated that he looked at the state regulation and City ordinance. For properties under the Commission the task is to look at the situation to determine if rehabilitation is appropriate or whether demolition is a feasible and prudent alternative. Attorney Thomas stated that when looking at all the submitted

reports and estimates there is no reasonable and prudent alternative because the property is totally “underwater”.

Patrick Rose, Architect at Rose-Tiso & Co., Fairfield, reviewed the survey and plans for the project at 67 Prospect Street. Mr. Rose discussed the expense to rehabilitate the property. He reviewed all the various alterations that had occurred on the property over the years. Mr. Rose reviewed the proposal to demolition to house and construct a 3 story building with office space, 2 bedroom apartments above, 44 1 bedroom units and 44 parking spaces. He indicated the applicant tried to reduce the impact by the height of the buildings. He also discussed the variety of materials to be used in the construction.

Attorney Thomas reminded the Commission that what was before them was an application for certificate of appropriateness for demolition of the existing house. He explained that Mr. Rose discussed the other items because the Commission has an advisory role for other City departments and commissions.

Chairman Silver asked for questions from the Commission.

Mr. Colter stated did not feel the value provided is appropriate compared to other ventures of similar scale. Attorney Thomas stated there must be a reasonable and prudent alternative per the ordinance. He further stated the value must be compared to a one family property. Mr. Colter stated that the plans seem to imply that that plan was always to demolish the house. Attorney Thomas stated that when his client purchased the house there were substantial problems. The roof was sagging and separating from the building. The building had not be maintained for many, many years and to rehabilitate the house would be virtually impossible given the dollar amount.

Mr. Silver stated that the structural report indicates leaking has continued. He asked what the applicant has done to stabilize the building. Attorney Thomas stated the building was gutted. He indicated the insurance company determined there were many structural issues. Mr. Silver commented whether to applicant consciously did not maintain and weatherproof the structure. Mr. Thomas stated the insurance company tarped the roof and took other steps to protect the building from further damage.

Mr. Silver asked if the applicant considered saving the current façade of the building. Attorney Thomas stated it could not be done without reconstructing the entire building. Mr. Silver asked if just that portion that could be seen from Prospect Street had been considered. Mr. Thomas stated it had not.

Mr. Silver asked if the applicant had considered preserving the house and building apartments behind. Attorney Thomas stated the applicant had not as it would cost a substantial amount of money and was not feasible. There are drainage problems with wetlands. He also stated it would take approximately \$700,000 to \$1,000,000 to restore the house.

Mr. Silver asked if the applicant had considered preserving the shell of the building and converting it to apartment use. Attorney Thomas stated this had not been considered.

He further stated this would be rehabilitation and would be required to build around the building.

Mr. Silver stated the scale and scope of the proposed development is inconsistent with the current house. He asked if it had been considered to make the scale and scope more consistent to the existing house. Attorney Thomas stated that once it had been determined there was not feasible and prudent alternative to demolition that was the end. He further stated that part of the consideration is what is necessary to bring the building up to code.

Mr. Silver asked if the applicant had begun to have the building condemned under the building code. Mr. Thomas stated they had not. He further indicated the process is going before zoning and there is no reason for the building official to condemn. Attorney Thomas stated the zoning district allows the use by site plan.

Mr. Kranz asked if there had been insurance monies paid out from the frozen pipe and water damage claim. Attorney Thomas stated he was unsure. Mr. Kranz asked if there had been monies paid out shouldn't those monies have gone to repair the building. Attorney Thomas stated that was not relevant because of the cost it was still not feasible and prudent.

Mr. Tramuta asked who had hired Nutmeg Adjusters. Attorney Thomas stated they were hired by the property owner. Mr. Tramuta asked when Nutmeg Adjusters were hired. Attorney Thomas stated Nutmeg Adjusters were hired in 2016. Mr. Tramuta asked if there was backup data from Nutmeg Adjusters. Attorney Thomas stated he did not believe that was relevant but would check his files.

Mr. Silver commented that there was no evidence that the proceeds from insurance had been used to rehabilitate the house.

Mr. Johnson stated an argument can be made for historic feasibility and rehabilitation of the structure. Attorney Thomas stated the regulation does not go beyond the issue of demolition and dismantling.

Mr. Kranz stated he felt the numbers for rehabilitation are inflated. He asked if there were multiple bids. Attorney Thomas stated the request for an estimate was from someone familiar with these types of buildings. Mr. Kranz stated, for example, that he felt \$50,000 for plumbing was high. Attorney Thomas stated counter evidence may be presented at the public hearing. He further stated that the Commission only deals with the outside and that the whole building would have to be reconstructed.

With there being no further Commission questions, Mr. Silver stated he would open the hearing for public comment. He distributed to the Commission the recently received correspondence from the City historian and a resident petition consisting of 22 pages. He noted that out of the 3000 that had signed 615 were Milford residents. Mr. Silver then asked for anyone speaking in favor of the application to approach the podium. None did.

Mr. Silver then asked for anyone opposed to the application to approach the podium.

Philip Walker, Esq., 18 Ridge Street #213, New Hartford, CT stated his field of preservation law. He further stated that he does not believe the decision can be made tonight as there is insufficient evidence as to a feasible and prudent alternative. Attorney Walker stated the applicant is only focused on dollars. He stated that not only dollar and cents should be considered. He further stated that he had submitted to the Commission a motion to be considered as intervenor in these proceedings.

Adam Eckhart, 31 Winthrop Court, Milford, Pastor of the First United Church of Christ (Congregational), stated he was against the application and that the first burial grounds are located on this property and this should be considered and honored.

Elizabeth Wright, 20 South Street, read a proclamation she submitted to the Commission.

Chris Haley, 136 New Haven Avenue, spoke about his being a child in Milford and read from a prepared statement.

Bunny Elmore, 57 Clark Hill Road, stated she had attended luncheons and teas on that property as part of the Milford Garden Club. She stated the Milford Garden Club opposes the project and that the value outweighs the cost. There is relevance to saving historic structures.

Thomas Acri, 88 Lenox Avenue, read from a prepared statement and discussed his recollection of the tour of Milford when in elementary school. He feels this is tearing down a piece of history.

Regina Cahill, 32 Pumpkin Delight Road, Vice-President Milford Preservation Trust, read from a prepared statement. She also stated that this project would erode the character of the district and set a precedent. The Preservation Trust opposes demolition.

Gwen Bruno, 10 Scotland Road, stated she has witnessed demolition by neglect at the site. She has seen windows open. You can tell that the house has suffered neglect. She discussed how a pipe burst in her own home and how she had to make the necessary repairs to save her own home.

Thomas Acri, Jr., 88 Lenox Avenue, stated he is a teacher at West Shore Middle School and spoke of living and growing up in Milford. He commented on the demolition of Fort Trumbull. He is opposed to the demolition of this property. He presented the Commission with letters written by his students.

Kathleen Lyon-Summer, 340 Orange Avenue, stated she grew up on Governor's Avenue and read from a prepared statement. She added that she is a teacher that has toured Milford Center with her students. She commented on historic places and their values.

Frank Smith, 232 Second Avenue, stated he is a lifelong resident of Milford and opposes the application for all the reasons previously stated. He commented on the

standing of the Commission on the ordinance. The history and culture cannot be measured by dollars. This property in the most hallowed ground in Milford, the first burial grounds.

Ellen Liskoff, 28 Plymouth Court, stated she opposes this application and agrees with all the other speakers. She is in favor of preservation.

Barry Bonessi, 157 Gulf Street, stated he is a lifelong resident and agrees with all the other speakers. He commented on the Milford Academy property and how one architect said it could not be saved. He commented on the North Street property and how it too was saved from demolition.

Jane Platt, 132 Platt Lane, stated she has resided here since 1965 and agrees with all the prior speakers. The property has historic value. She spoke about Peter Prudden and read from a prepared statement.

Richard Platt, 132 Platt Lane, stated his ancestors came to this country with Peter Prudden. He commented on the architectural significance of the property and the sacred land. He read from a prepared statement. He commented about the unmarked graves and that due to the acidity in the soil the remains cannot be located. He further commented that the garden is the first internment site. He spoke about his term as City Historian and demolition permits.

Suzanne Wellner, 18 Canterbury Lane, read from a prepared statement. She referenced homes that have been demolished. She would like to see the City do a thorough review and stop all future projects that have historical significance.

Elsie Marie Clark, 61 North Street, state she lives in the Buckingham house and she has experienced all the problems that old houses do. She stated that her home was restored and is still standing. She is outraged that Milford is being destroyed.

Tim Chaucer, 104 Hawley Avenue, opposed as this represents the beginning of the end of the River Park Historic District. He read from a prepared statement. He spoke of Peter Prudden and other settlers. He commented on the Plan of Conservation and Development and its role in preservation. He submitted photos to the Commission showing the building is solid.

Michael Mercurio, 17 Governors Avenue, read from a prepared statement. He spoke of living in Milford and pride in the community. He asked that the Commission deny the application.

Linda Whitaker, Shipyard Lane, read from a prepared statement. This has to do with historical value.

James Rude, 141 West Main Street, spoke of when his home was built. When he first moved to Milford he lived on Prospect Street. When he purchased his home he knew it was an older home and was aware of the responsibility he was taking on when he purchased it. The financial burden is the applicant's burden.

Janice Watt, 17 Kenwood, stated she is a decedent of Peter Prudden and would like her grandchildren to know where they have descended from.

Mary Krikschiunm, 31 Buckingham Place, read from a prepared statement. She stated that she is interested in the preservation of historic structures. She is not convinced by the information presented by the applicant. The property was purchase in 2015 by a real estate professional that was well aware of the condition of the property.

Michel Kerin, 66 Munson Road, Bethany, stated he owns a building in a historic district. He reminded he Commission that in its name is "preservation." He stated he looked at the regulation and it does not say economic feasibility anywhere in the regulation. If this application is not denied, when will one ever be deniable.

Kelsey Kerin, 66 Munson Road, Bethany read from a prepared statement. She spoke of the character of the neighborhood. She strongly urged preservation rather than demolition.

Peter Moen, 59 High Street, stated he worked to establish the second historic district south of the green. As an engineer and project manager he always established relationships with contractors. He asked if this property is the only place in Milford to make money and asked the owner to look elsewhere.

Ray Oliver, 404 Gulf Street, stated he represents the Milford Cemetery Association. He stated that the demolition and construction will have an adverse effect on the cemetery property. He commented that this project is wrong for the River Park Historic District. He further commented that not only the building that is at stake, but also the land. The property will be over-developed with almost 90% impervious surface. He spoke about the drainage and destruction it will cause.

Lily Flannigan, 38 Prospect Street, read from a prepared statement. She asked that the Commission deny the application. She stated there are feasible and prudent alternatives. She gave a history of Prospect Street. She spoke of the River Park Historic District being formed in 1986. She commented that the MCDD rezoning changed Prospect Street and allows this application. She stated the Commission has the ability to deny the application.

Ann Maher, 50 Prospect Street, read from a prepared statement and shared photos showing the bronze marker for Peter Prudden that had been located on the property. She stated that it is now missing and that it went missing after the applicant purchased the property. She stated that the burial ground is still on the property. She commented on sections from the ordinance that speaks to a feasible and prudent alternative for historic significance.

Steve, 44 Prospect Street, handed a petition to the Commission and read from a prepared statement.

Anthony Griego, Park Road, Hamden, read from a prepared statement. He is in opposition to the application. He stated he believes this is demolition by neglect.

Cynthia DeLuca, 222 High Street, spoke of the historic homes on High Street and the cost of maintaining a historic home. She believes the house can be restored.

Walter Russo, 50 Tall Pine Road, stated he owns 85 Prospect Street and the fact that there is even a meeting tonight is a disgrace to the future of Milford. He commented that perhaps the owner could obtain a restoration grant to restore the building.

Kate Orecchio, 165 North Broad Street, provided additional petition signatures. She stated that she agrees with everyone that has spoken. The design is appalling and it does not fit with the neighborhood.

Cheryl Goad, 180 Melba Street, stated she is a descendant from Stowe and she introduced her children to the history of Milford.

Bill Derry, 79 Prospect Street, stated he is the neighbor of 67 Prospect Street. He stated he would not have bought his house if it was in a historic district. He did not realize the zoning had changed. It makes him angry that his was created by Milford. He is happy to see that the Commission can undo the mistake of zoning.

John Swing, 75 Prospect Street, stated it is sad to watch the decline of the house. He spoke of the history of the property. He commented that the prior owner was excited that the house was going to be saved. He stated that it is possible to find capable architects and contractors. This is the beginning of Milford history.

Chairman Silver asked if there was anyone else opposed wishing to speak. There being none he asked the applicant if he would like to rebut.

Attorney Thomas stated that land use boards wear two hats. Legislative hat when required to make laws and administrative hats when required to follow regulations. He stated that this Commission wears an administrative hat. He further stated that Article 21 does not have economic feasibility but it follows the CFR. Attorney Thomas stated that zoning is a separate board. He stated that Peter Prudden owned quite a bit of land in the area. Peter Prudden was in the 1600's and the house on the property was built in the 1800's. He commented that if there was proof of the burial grounds then the Commission could take action but substantial evidence is necessary. He further stated that the regulations concerns historic preservation rehabilitation and to authorize demolition when there are no feasible and prudent alternatives. People may have suggested that but have not provided evidence to contradict the costs to reconstruct. It is correct that this is not a historic district; the River Park Historic District was not chosen to be a historic district under the City. He requested the Commission to follow the regulations and to consider the evidence before them.

Chairman Silver asked if anyone speaking in opposition would like to rebut the rebuttal.

Ann Maher, 57 Prospect Street, stated there was no evidence of consideration of feasible and prudent alternatives because access to the property had not been provided. People who live in historic homes spoke. She stated the property is in an historic district and in on the National Registry for Historic Places. She referenced the ordinance.

Philip Walker, Esq., 18Ridge Street #213, New Hartford, stated this property is in an historic district, it is listed on the National Registry and is a protected property. This is not about return on investment. Preservation is a priority and economics are secondary. Unreasonable destruction cannot be approved if there is a feasible and prudent alternative. The owners should sell the property if they do not want to put the money into it. He requested the Commission to act on his request to intervene and to engage an independent consultant to determine the costs.

Richard Platt, 132 Platt Lane, spoke about the restoration of the Bristol-Sanford house.

Christopher Haley, 136 New Haven Avenue encouraged the Commission to continue to get answers for the questions not yet answered.

Adam Eckhart, 31 Winthrop Court, discussed the location of the Prudden house. He stated it was in the northwest corner of the lot where the Baldwin house sits.

Tim Chaucer, 104 Hawley Avenue, stated the National Department of the Interior recognizes the property as historical. In 1700 it was fortified during the Indian uprising.

Peter Moen, 59 High Street, stated that in light of the many unanswered questions the hearing should be kept open.

Chairman Silver requested a motion to close the public hearing as there was no one else rebutting the rebuttal.

Mr. Colter and Mr. Tramuta made a seconded a motion to close the public hearing. Motion carried unanimously.

Chairman Silver stated that deliberations would begin. He reminded the Commission that by rule they must act by April 9th.

Mr. Colter and Mr. Tramuta made and seconded a motion to approve the certificate of appropriateness for 67 Prospect Street.

Chairman Silver stated that John Kranz is a contractor that restores historic homes. He asked Mr. Kranz if he felt the costs presented were reasonable.

Mr. Kranz stated it was his belief that the prices were inflated significantly. He feels the costs are astronomical especially without be able to get inside and examine the building.

Mr. Silver stated that he did not see evidence as to why the façade could not be saved. As an architect it appears to him that other alternatives were not considered. There are many alternatives. The City restored the Downs house that was in worse condition than this property. He also agrees the costs presented are not realistic.

Mr. Kranz stated that financial burden does not give the right to demolish. There are other alternatives which may included stepping aside and letting another restore the property.

Mr. Tramuta stated there are other alternatives available other than those presented tonight.

Chairman Silver read from the National Standards. He stated he does not believe they they have met four specific standards, which he recited.

There being no further discussion, Chairman Silver asked for a vote for all in favor of the application. No one voting in favor of the motion, Chairman Silver asked for all opposed to motion. Motion failed unanimously.

Mrs. Kramer rejoined the meeting at 10:20. p.m.

Status of Website.

Chairman Silver provided a status report on the website. He stated that the Building Department is putting all historic property addresses into the GIS.

New Business.

None

Payment Requisitions.

None

There being no further business, Mr. Colter and Mrs. Kramer made and seconded a motion to adjourn. Motion carried unanimously. Meeting adjourned at 10:31 p.m.

Respectfully submitted,

Toni Jo Weeks
Recording Secretary