South of the Green Milford Historic District No. 2,

Minutes of Regular Meeting and Public Hearing – Via Zoom – August 10, 2022

Present: Andy Belden, Chris Bishop, Liz Kennard, Andy Kozlowski, Marc Muller, Walter Ortoleva

Also Present: Michael O’Grady (neighbor of 36 Reed Street)

Applicants: Kimberly Misiaszek, Joseph & Carl Soulier, Ivan Fossesigurani

Chrmn. Bishop convened the meeting at 6:33 p.m. and declared a quorum present. The regular meeting stood in recess at 6:34 p.m. and the public hearing was called to order at that time.

**Certificate of Appropriateness Application by Kimberly Misiaszek, 36 Reed Street for replacement of the rear exterior staircase.**

Ms. Misiaszek apologized for filing pursuing this “post construction” and explained the unsafe condition of the stairs. She explained the stairs were replaced with Trex decking, pressure treated posts (4” x 6”). Further she noted the change in design to make the staircase “L” shape was an attempt to have more yard space.

Ms. Kennard questioned of that was all the homeowner wanted to discuss with regard to the project. She also asked if contractors designed the new stairs and she was told yes.

Chrmn. Bishop questioned the change in design and it was explained the original stairs were steep and that was how the change came about.

Mr. Ortoleva noted in looking at the photos, the bottom step has more then a 3 ft. landing and that might be an issue with permitting. He also questioned if the new staircase takes up the same square footage.

Ms. Misiaszek explained the new staircase is safer for ascending and descending and for carrying items up or down.

Chrmn. Bishop noted most stairways have an overhang over the door and he questioned whether that is required.

Ms. Misiaszek explained she has yet to hear that.

Mr. Ortoleva noted that requirement might only be for a commercial building.

Chrmn. Bishop reminded the homeowner if that should be required she would have to come back to this body for that project consideration.

Mr. O’Grady (neighbor) stated this is coming up after the fact, he would have liked to have seen the drawings of the old stairs compared to the new. He also noted he would have thought the spindles should continue the style of the house and neighborhood. Further, he expressed his concern that the entire project went on as long as it did.

Chrmn. Bishop noted the concern of the continuation of the project has been discussed with the property owner and have made it clear to property owners in the District that any changes must come before this Commission before they begin.

Ms. Misiaszek again apologized for that oversight.

Mr. O’Grady stated he understood and did not disagree that the new stairs were needed and added he doubted if the new stairs were any different with regard to safety than the old. He also stated he would have liked to have seen more aesthetics matching the front of the house.

Mr. Ortoleva noted code is not this Commission’s jurisdiction and he did not think the railings are out of compliance with historic design.

Chrmn. Bishop noted if the COA is given, then the Building Dept. will be reviewing the plan as they work with this Commission on such matters.

Mr. Ortoleva asked if a mailing was sent to adjacent property owners and Ms. Misiaszek stated she has the certificate of mailing.

Ms. Kennard stated that should be included in the packet and she asked if that document could be given to her for the file.

Chrmn. Bishop invited Ms. Misizszek to remain to hear the disposition of the Commission regarding the matter and added the property owner could not give any further input once the hearing was closed.

**Certificate of Appropriateness Application by Joseph and Carol Soulier at 15 Reed Street for the replacement of the front porch and front stairs.**

Mr. Soulier explained the porch would be the same footprint, it would have spindles instead of flatboard, 3 steps going down, hand railings (1 side ADA approved) and lattice enclosing the bottom of the porch.

Ms. Kennard questioned if the columns would be the same size and she was told yes.

Mr. Muller asked how many railings and was told there would be 2 for safety reasons.

Ms. Kennard questioned the material for the porch and Mr. Soulier stated it is composite material (either Trex or Azek).

Mr. Ortoleva noted the photos provided explained the project.

Being no further questions or comments, Chrmn. Bishop invited the Souliers to remain but would not have opportunity to give any further input.

**Certificate of Appropriateness Application by Walter Ortoleva, 23 Central Avenue for replacement of two side widows with different sized windows**

Mr. Ortoleva explained one window is in the kitchen and another in the bathroom. He stated the kitchen window had to be shorter in order to fit with the new counters in that room. The bathroom window is narrow and will be changed to a shorter window (2 over 2). He added the kitchen windows will accommodate the counter tops and both windows will match. Further he explained similar work was done on the 2nd floor and the windows on that floor are 42 inches.

Ms. Kennard asked how many windows are going to match and it was explained the bathroom window will be 2 over 2, 42 inches. Mr. Ortoleva further explained the windows will be made to match the scale of the house but will not match each other. Both windows will be 2 over 2 and will have mullions and the only thing is the vent and that will be a different style but in the same location. He stated the siding will stay the same and he is hoping to not have to make any changes with siding at all.

(Mr. Ortoleva noted he would be recusing himself from the discussion/action on this application.)

**Submission for approval of revised plans from Ivan Fossessigurani regarding the expansion of the garage at 37 Pond Street under a COA Approved by the Commission at its regular meeting of December 8, 2021.**

Mr. Fossessigurani explained the new window over the garage door was previously a vent and he felt it did not look right and his solution was to get a window the same size of the vent and he did not think it would be a problem.

Mr. Belden asked the size of the new window. He was told it was 2’ x 2’ square, 3 over 3

Chrmn. Bishop explained the application in 12/21 did not show a window or a vent above the garage door and from his perspective he did not recall seeing a vent.

Mr. Belden noted from his perspective it is proportional.

Chrmn. Bishop noted this should be added to the picture that is sent to the city.

Mr. Ortoleva noted that when he drove by the garage the window did not strike him as out of the ordinary but in looking back at the minutes of the 12/21 meeting, there was no discussion regarding putting a window in that location.

Mr. Fossessigurani stated he has asked neighbors about the plan as it was always his intention to restore the original look of the house. He added as a resident of the neighborhood for 50 years, he wanted to keep the integrity of the home. He suggested that in the future, when an issue such as this arises, it would be best to not stop work on the entire project but just the portion in question. He added by stopping the entire project he has lost the contractors who were working on the project.

Further he suggested if a stop order is going to be issued, it should be for whatever the issue or problem is not the entire project.

Mr. Ortoleva noted that is a good point for consideration and added it is the city that stops the work not this Commission.

Mr. Muller stated the only recourse this Commission has is to cease and desist on a project as it is for the entire application not one component of the project.

Chrmn. Bishop asked if someone reached out to Mr. Fossessigurani before the city was advised.

Mr. Fossessigurani stated it might have been during the time when he was ill.

Ms. Kennard noted it is the intention of this Commission to work together with a property owner. She noted it is difficult for this body because if we cannot get in touch with owner we have no other recourse. She added any insight that a neighbor has is appreciated as is the comments provided at this meeting.

Chrmn. Bishop noted in this case, the result could be taking down the garage if not approved. He added this Commission is always trying to be neighborly and appreciate input and comments such as provided at this meeting.

Mr. Muller asked if the windows in the home are 6 over 6 and it was explained the windows are not double hung but sliding window.

Mr. Muller added if the windows is a 2 over 2, there would be a total of 4 panes.

Being no other questions or comments, Chrmn. Bishop offered Mr. Fossessigurani the opportunity to remain on for the rest of the meeting but there would be no further opportunity for comment or input.

Being no further questions/comments the public hearing closed and the general meeting reconvened at 7:13 p.m.

**Certificate of Appropriateness** **Application by Kimberly Misiaszek, 36 Reed Street for replacement of the rear exterior staircase.**

Motion was made by Mr. Ortoleva and seconded by Ms. Kennard to approve application by Kimberly Misiaszek, 36 Reed Street for replacement of the rear exterior staircase as presented

Ms. Kennard thanked all the commissioners who have been involved in these 4 projects as there have been some challenges. She noted some issues have been identified that we may want to address n the future and this body should keep in mind that express our opinions is our job.

With regard to Ms. Misiaszek’s application, Ms. Kennard noted the owner undertook this project with all good intentions but it is a much different staircase from the original and does not match the rest of the house. She also noted she agreed the staircase seems safer for anyone walking up or down the stairs but it is important we make our neighbors aware they need to come to this body with such projects.

Mr. Belden noted the front of the house has turn spindles and they were retained for the front but to get that many turn spindles for the back would have been expensive if the homeowner could have gotten any at all.

Chrmn. Bishop agreed and noted we appreciate that the stairs were deteriorating but that did not happen in a week or two but over a number of years.

Ms. Kennard added there is a liability with taking on this project without getting approval.

Mr. Muller felt the contractor should be liable to such work without a permit.

Mr. Ortoleva referred to a similar situation with another project within the District.

Ms. Kennard stated in places where there might be future work, there are neighbor concerns as well as the Commission.

Chrmn. Bishop felt it is good that this body is taking such actions and word will get out so it does not happen again. He added he felt we should approve this application and he added we might have made slight changes had she come to this Commission first.

Mr. Muller agreed the staircase is a more modern style; painting the spindles white might help.

Chrmn. Bishop reminded members that this body does not get into color choice.

Mr. Ortoleva noted the owner might address the concrete footing and that might take care of the permit problem.

Motion carried unanimously.

**Certificate of Appropriateness Application by Joseph and Carol Soulier at 15 Reed Street for the replacement of the front porch and front stairs**

Motion was made by Ms. Kennard and seconded by Mr. Muller to approve Certificate of Appropriateness Application by Joseph and Carol Soulier at 15 Reed Street for the replacement of the front porch and front stairs as presented.

Chrmn. Bishop questioned the bannisters and he was told they are going to match another house in the neighborhood.

Ms. Kennard asked if any Commissioner knew if the steps were going to be the same and Mr. Ortoleva stated it is noted the steps are 5’ 8’ wide.

Mr. Belden felt the current steps are that dimension.

Chrmn. Bishop noted the diagram of the porch at present shows dimensions and the dimensions reflected will be the same at the end of the project. He added the photo shows bannister and spindles from another porch that the homeowner plans to put on this porch.

Motion carried unanimously to approve the application as presented.

**Certificate of Appropriateness Application by Walter Ortoleva, 23 Central Avenue for replacement of two side widows with different sized windows**

Ms. Kennard and Mr. Belden made and seconded a motion to approve Certificate of Appropriateness Application by Walter Ortoleva, 23 Central Avenue for replacement of two side windows with different sized windows as presented.

Ms. Kennard stated she trusts Mr. Ortoleva’s workmanship and aesthetics and that was why she questioned the matching windows.

Mr. Belden agreed.

Mr. Muller’s only concern was the siding under the windows.

Mr. Ortoleva felt this project was enough of a change to be brought forward to the Commission.

Motion carried unanimously to approve the application as presented.

**Submission for approval of revised plans from Ivan Fossessigurani regarding the expansion of the garage at 37 Pond Street under a COA Approved by the Commission at its regular meeting of December 8, 2021**

Ms. Kennard and Mr. Belden made and seconded a motion to approve the revised plans from Ivan Fossessigurani regarding the expansion of the garage at 37 Pond Street under a COA Approved by the Commission at its regular meeting of December 8, 2021 (amended drawings noting the original application showed no window or vent).

Ms. Kennard noted Chrmn. Bishop reached out to the homeowner many times to have come to a meeting to discuss this issue.

Discussion ensued as to whether or not a new application was needed.

Mr. Muller stated we have approved an application without a window and the owner built something with a window and notification should have been sent to the neighbors of the change in the original plan.

Chrmn. Bishop questioned whether the owner had a permit and he was told he did.

Chrmn. Bishop again explained this Commission had nothing to do with the cease and desist order.

Mr. Muller noted there were issues with the windows in the house as well. He added the cease and desist order was issued on the application of the building permit for the entire project.

Ms. Kennard recalled the Commission being told there was going to be no change.

Mr. Muller stated he will vote to approve but still felt we should have had a reapplication to notify property owners.

Motion carried unanimously to approve submission of revised plans.

Ms. Kennard noted the Commission has identified several items that require further discussion and we have worked hard on these matters.

Mr. Muller suggested at a future meeting we can go into executive session to discuss how we handle such cases in the future without a cease and desist and how to resolve such matters before it gets to that point.

Mr. Ortoleva also reminded members that anything approved is valid for only one year.

**Consideration of Minutes** – Mr. Muller and Mr. Belden made and seconded a motion to waive the reading of the minutes of the regular meeting held 5/11/2022 and approve the minutes as presented. Motion carried unanimously.

**Chair’s Report including Correspondence** – none

**Clerk/Treasurer’s Report** – Mr. Ortoleva explained it was necessary to replace brackets on the Historic District signs.

Mr. Muller noted the sign at the top of High Street is missing and Mr. Ortoleva added it is not repairable and he requested having two new signs made.

Ms. Kennard and Mr. Belden made and seconded a motion to authorize Mr. Ortoleva to make two signs (one for High Street and one for inventory) and be reimbursed for costs to do so. Motion carried unanimously.

Mr. Ortoleva stated the balance to date is $6,697.50

Mr. Muller and Mr. Kozlowski made and seconded a motion to waive the fee for the application submitted for this meeting by Mr. Ortoleva.

Mr. Belden stated it seems if one is going through the process, the fee is part of that process.

Mr. Ortoleva stated he did not object to paying the fee.

Ms. Kennard stated she is always concerned about appearances relative to such action.

The motion was withdrawn.

Mr. Ortoleva noted he has the certificate of mailing and will submit that to Ms. Kennard for the file.

Ms. Kennard and Mr. Belden made and seconded a motion to approve the Treasurer’s Report as presented. Motion carried unanimously.

**Unfinished Business**

1. Note that Report Booklet is now available on Commission’s webpage on City’s website – the only question is to have pictures of the houses in the neighborhood included
2. Attorney Berchem’s advice as to Air BnBs, ground mounted satellite dishes and signage – remain on the table.

**New Business**

Chrmn. Bishop raised the point of the need to elect Clerk/Parliamentarian and discussion ensued as to whether the position is absolutely necessary.

Ms. Kennard stated the bylaws of the Commission state that position is included.

1. Discussion with City Steve Johnson Asst Public Works Director and Tree Warden regarding review of and removal of city trees.

Ms. Kennard stated she and Chrmn. Bishop and Mr. Stowe met with Mr. Johnson who they feel will be an asset to the work assigned to him. She noted they had identified 4-5 trees in the neighborhood that will have to come down and we have asked Mr. Johnson if he can meet with us to determine a way to save some of the street scape. She added she is hoping we can engage him some future meeting.

Chrmn. Bishop added another point made is the better way to replace a city tree is on a neighboring property and get it out and away from the sidewalk and street, giving the new tree the ability to grow and of course the approval of the neighbor would be needed.

Mr. Muller stated the only place we can put a tree is the city right of way (snow shelf) where tree stands now. He added once the tree is removed the property owner cannot put another tree back in that location.

Chrmn. Bishop agreed it would be good to have Mr. Johnson attend a future meeting.

Being no further business, motion was made by Mr. Ortoleva and seconded by Ms. Kennard to adjourn at 8:17 p.m. Motion carried unanimously.

Recorded by Diane Candido