

NEW HAVEN HISTORIC DISTRICT COMMISSION AGENDA

Wednesday, June 9, 2021, Regular Meeting, 7:00 PM

Location: Web-based meeting via Zoom

Commissioner Trina Learned calls to order the public hearing at 7:01.

In attendance: William Long (Deputy Director of Zoning), Maya Vardi (City Plan), John Ward (Special Counsel to Economic Development Administrator), Trina Learned (Commissioner and Chair), Tom Kimberly (Commissioner and Clerk), Susan Godshall (Commissioner), Doug Royalty (Commissioner), Dylan Christopher (Commissioner), Karen Jenkins (Commissioner)

Commissioner Learned reviews New Haven's Zoom meeting HDC policies and procedures and the point of New Haven's Local Historic Districts and the Historic District Commission.

New Public Hearing

1. 21-02-CA Owner: Sarah Jepsen, Agent: Kim Catalozzi and Richard Freeman. Seeking approval for replacement of 10 existing windows at 593 Chapel Street (MBLU:208 054901802), Wooster Square Local Historic District.

Richard Freeman, Renewal by Andersen project manager representing applicant (38 Mill Creek Rd., Branford)

Mr. Freeman proposes ten window replacements, taking out the older windows to install high efficiency windows on the front of the house: two on first floor, three on second floor. They will be full divided light windows with top and lower sash, designed to imitate the original look. They will not touch trim during installation but are just replacing sashes. The other five windows to be replaced are on the side and rear of the house (three on the left side and two on the rear). All windows will be a 6x6 grill pattern (6 over 6 lights).

Commissioner Learned repeats the proposed replacements for confirmation: five on the front, three on left side, two on the rear. Mr. Freeman confirmed.

Commissioner Learned asks if the windows are original. Mr. Freeman says they appear original windows. She asks if they could be 200 years old. Freeman says that he is not totally sure but they do have wavy glass.

Commissioner Learned finds the application awkward for a couple reasons: 1. It was submitted by two parties, neither of which are present. 2. The person at the meeting is in the position of reaping financial gain. Plus, preservation rules argue against throwing out historic fabric. She adds that this house has had a fire years ago and some timbers are charred in attic and clapboard has been replaced so it would be remarkable if windows were original. Mr. Freeman is not familiar with the fire and apologizes for the applicant not being there as he was just told to be there. Commissioner Learned apologizes for Mr. Freeman to be put in an awkward position and explains the Commission needs to know the intent of the owner and it is important for them to be educated by the Commission as to the significance of the house in the district. She asks for clarifying question from other Commissioners.

Commissioner Royalty states that he is familiar with building. It went through a restoration and got an award from New Haven Preservation Trust in the 1980s. It is a gem in the district; very distinctive and authentic. He asks about the conditions of the windows and if they appear to be rotten. Mr. Freeman says there is no rot. Changing the windows is for efficiency. They checked the single pane glass with a heat lamp and the owner wants to save on utilities by replacing. He understands the concerns of changing anything, yet the intent is not to put cheap vinyl windows in.

Commissioner Godshall also has seen house. She states that she cannot tell difference between existing and proposed which suggests the existing are more recent than 1830s. She also proposes there may be another solution like storm windows as this would be removing historic fabric for no benefit in appearance. Commissioner Learned agrees that interior storms are effective and create a double pane effect for energy efficiency. Commissioner Godshall adds that she does not see replacing a non-historic window with another non-historic window as being much value to the district.

Commissioner Royalty explains that what is special about the building is the materials. An 1811 building has small glass panes. He believes it is the only building in the district that brings its significance back to the Federal maritime period. He adds that Academy and Green Street buildings do that too, but they have been altered so much they are unrecognizable. This building conveys a lot of historic character through its materials.

Commissioner Kimberly adds that normally when replacing windows, the applicant has the interior/exterior condition of existing windows to warrant they need replacing. The glass dimensions and muntin dimensions are missing from the application so it is hard to compare what is there with the proposed replacements. Mr. Freeman explains that insert windows always lose glass area compared to the existing. Andersen windows are made with mortice and tenon construction to replicate old windows, but the advantage is only energy efficiency. The glass area will be smaller but the muntins (grills) and the sashes will be the same size.

Commissioner Learned states the application process does require full dimensions to be submitted and they will need a full cut sheet of current and proposed windows. Mr. Freeman says he thought they were sent in. Commissioner Kimberly replies there is information on proposed windows, but it is not compared to the existing. Commissioner Learned repeats there is no muntin dimensions and Mr. Freeman confirms.

Commissioner Godshall raises a situation at 601 Chapel Street for later discussion but relates to this building. Windows #20, 14, and 13 have lovely headers and she requests Mr. Freeman to confirm that wood trim will remain. Freeman confirms that trim will remain. They will only remove the sash and stops and put the window back in. Commissioner Godshall asks about why that reduces the glass area. Mr. Freeman and Commissioner Learned explain the added frame for replacements reduces the glass area. Mr. Freeman shows a sample window and frame which shrinks the glass $\frac{3}{4}$ of an inch on all sides.

Commissioner Royalty asks if Mr. Freeman has talked about storm windows with owner to help with efficiency issue. Mr. Freeman has not. Commissioner Royalty asks if the owner has consulted with New Haven Preservation Trust. Commissioner Godshall replied that Elizabeth Holt could not attend tonight but does not believe the owner has contacted the New Haven Preservation Trust.

Commissioner Learned closes the hearing to commissioners and opens it to public. No public comment and she closes.

Commissioner Learned opens time for internal Commissioner discussion. Commissioner Kimberly says there is not enough information in the application and concerned about how to relay information to the applicant. Commissioner Royalty says we need more information about

existing windows before considering replacements. There is no concrete info about deterioration of windows and owner would benefit from information about repair and adding storms as studies show only a loss of 10-20% of energy through windows. He also reads a quote from a Historic New England window program about lead abatement and thermal performance being accomplished by repair which does not justify replacing historic windows. He is not hearing sufficient answer for justifying replacement. Commissioner Godshall agrees and says even a slight reduction in size is something the Commission is responsible for. She would like to see other alternatives. Commissioner Learned is concerned about not dealing with owner of property and only hearing from someone who will gain financially. She suggests tabling it and requesting the owner come to the next meeting with current dimensions and conditions of the windows. Commissioner Godshall recommends the owner should meet with the New Haven Preservation Trust as well to talk about the windows.

Commissioner Learned moves to ask the applicant to come back with the condition of current windows, historic information about them, sizes of current and proposed, and meanwhile contact the New Haven Preservation Trust for consultation.

Commissioner Kimberly seconds.

All in favor 7:33.

Administrative Action

- 1. Owner: Real Estate Group XIV, LLC. Agent: Andrew Rizzo.**

In accordance to the Historic District Commission's Role of Procedures, page 2, Sec. C(2) the Commission must determine whether a pertinent changes were made to the design considering a similar application was previously denied at 515 Quinnipiac Ave. (MBLU: 092 1002 01500), Quinnipiac River Local Historic District.

Andrew Rizzo (487 Fort Hale Road, New Haven)

Mr. Rizzo submitted a letter explaining events that have taken place since the last application #18-05 was denied to demolish the garage. Right after the denial, a letter was sent out by Building Official, James Turcio on December 17, 2018 which states that the owner restore the structure to safe condition or get a structural engineer to provide a written report within 30 days.

Former owner did not do that. The current owner hired structural engineer Aschettino Associates, LLC and Raphael Aschettino is present. It has been 2.5 years and the building has been left and open to elements and caused further deterioration. He thinks it should be looked at again with this difference in condition.

Raphael Aschettino (375 Morgan Lane, West Haven)

Mr. Aschettino was asked to assess the structural integrity of the garage and he submitted a letter and photographs. During his site visit he found extensive damage, rotting, walls blowing out, and the roof and floors caved in which made it hard to even access the interior for photographs. He determined there is nothing there to be saved and that it would have to be disassembled and reassembled with an estimated 90% of new material.

Commissioner Godshall requests to go over some of the dates. She recalled Mr. Higgins owned it after the denial for some time but sold it in December of 2019. The structural report is dated April 21, 2021, which means the new owner had a year and four months to take preventative action. She feels it is not appropriate to say it has been open to the elements for 2.5 years because owner could have done something upon purchase. Mr. Aschettino agrees but says he thinks about almost all of damage in a provided photograph was already present a year or two ago.

Commissioner Godshall agrees it had been neglected but says the point is that the new owner did nothing to remediate for 1.5 years while it continued to collapse.

Commissioner Learned would like clarification from Corporate Counsel on whether the application is substantially different from the one they heard in 2018 to request demolition of the garage, allowing the applicant to demolish with a certificate of appropriateness. She would like to hear from Mr. Ward, who joined the meeting at 7:45.

Mr. Ward repeats that the question is whether the demolition now is substantially different from the application in 2018. He says that it seems that other than 2.5 years there is no difference. The application was rejected in 2018 and its condition has gotten a little worse. He would like some time to research whether there is a difference. One problem is by accepting condition changes from passing of time to be applied for again, it would open it up for neglected buildings to be demolished.

Commissioner Learned asks if there is more information to seek this evening. Mr. Ward asks what the difference is prior to 2018 and to the present. If all the damage was before 2018, nothing has changed. Significant change would make it more nuanced. Mr. Aschettino responds that he cannot say what the condition was in 2018 as he was not involved, and no structural evaluation was done then. He states the structure is unsafe and the liability issue needs to be considered. Mr. Ward replies that it could be made safe. Mr. Aschettino replies that new materials could be used to make it look like the old one, but you cannot restore it with the rotted materials.

Commissioner Godshall says while the structural elements are deteriorated beyond saving, its inaccurate to say nothing can be saved because the cupola and decorative trim are still there. Mr. Aschettino replies that those pieces could be utilized but it would be on a new structure.

Commissioner Royalty agrees with the professional judgement about instability but says there is still old growth wood and some salvageable materials. He explains that reconstruction is a potential preservation strategy, and it is not inconceivable that it could be reconstructed. He says that he is unclear about the issue and asks if this is a request for a new hearing to grant a Certificate of Appropriateness for the demolition. Mr. Ward responds that the applicant cannot keep asking to do the same thing, so the question is if deterioration is the only change from the previous application is it considered a different application.

Commissioner Royalty asks if they would need a design change. Mr. Ward replies that if an application is denied once, the applicant cannot come back with same application.

Commissioner Kimberly asks about when the property was sold in 2019 if they had a home inspection because the garage condition would have been noted at that time. He thinks it looks significantly worse now than in 2018.

Ms. Vardi added that Mr. Rizzo had technical difficulties and was kicked off the call but is trying to call back.

Commissioner Godshall states that she understands the structural engineer's concern about safety. She says the city should put up a better perimeter fence and encircle the garage. Also, the owner could offer it for sale, like in Preservation Connecticut's Historic Property Exchange.

Commissioner Learned said that would be a change in application which would be clearer. She reminds the Commission that this discussion is just talking through the issues for consideration.

Commissioner Christopher voiced concern about the structural engineer's statement, seeing the photos, and flagging by Building Official James Turcio about safety. He thinks action needs to be taken but is not sure what the best path is.

Commissioner Learned states that pending any further nuances or information needed from Corporate Counsel the discussion has gone as far as possible for the evening. She asks what the Commission should advise the applicant for next steps. Mr. Ward repeated that the difference in building condition is crucial and if the building is deemed unsafe by the building official. In the meantime, he will research case law about a building's multiyear deteriorated condition and what that means in terms of a different application.

Commissioner Learned states possibilities going forward. 1. Corporate counsel determines that this is different from the previous application, and another application would be submitted for demolition. 2. Other pieces of information would be brought forward, and another administrative action discussion would be needed at the next meeting 3. The building department would encapsulate or do what is needed for safety. Some of those possibilities would happen simultaneously. She says that it is up to the applicant as to what is on the agenda at the next meeting.

Discussion

2. Changes to Covid-19 Executive Orders

Ms. Vardi provides an update that COVID-19 Executive Orders were extended to July 1st and she is not sure what will happen after that date. The next meeting may be hybrid or by video conference. She does not think it would be required to be in person. The city is preparing for hybrid meetings. Many in community have felt having the application materials, minutes, agendas are helpful on the website and that will continue moving forward. She will inform the commission once she knows how the meeting will be held.

3. 90-Day Demolition Delay Application (currently extended to 180 days total)

a. 352 Saint Ronan Street- Garage (MBLU: 219 0458 01900)

Ms. Vardi shows the property map and location of the garage as well as the Historic Resource Inventory form. She states the garage is noted on form but not on Prospect Hill National Register listing. This application came through zoning because the owner wants to change the whole configuration of the driveway. They would demolish garage and build a new one in same area, possibly making it an office as well.

Commissioner Learned asks for photo of garage if there is one. There is not.

Commissioner Godshall recalls the last time this happened was at 313 Humphrey Street when detached auxiliary units were built and would like to know if that is the purpose here. She adds that if the new garage is actually going to be used for an auxiliary dwelling unit that the Commission doesn't have control over those. She would like to know if the Commission can be assured that this is not the case. Ms. Vardi asks if Mr. Long can speak to this application through his zoning experience. He recalls the owner asking about reconfiguring the driveway but at the time he did not realize it was a historic garage. He requests for zoning to go back and ask about the concern of the auxiliary unit use. Commissioner Godshall explains a new zoning amendment being heard at the present time would allow new detached auxiliary units to be built when replacing an existing accessory building. Mr. Long would like to do research on that and how it will impact the district.

Commissioner Learned states that the Commission does not have jurisdiction over a National Register district but under Certified Local Government rules they can render an opinion as the presiding government authority on preservation issues. Commissioner Learned asks about the demolition delay timing and Ms. Vardi confirms that the delay runs until November 2021.

Commissioner Learned requests that at the next meeting they should get more information and look at photographs as it may not be a historic garage but that is hard to know without photos.

Commissioner Royalty added that older National Register listings tended to ignore outbuildings so it is not determinative just because it is not on there, but maybe contacting the State Historic Preservation Office for an opinion would be helpful.

Commissioner Learned says they will continue the discussion at next month's meeting after clarifying some of the stated details in question.

4. Pirelli Building- Listing on the National Register of Historic Places approved

Ms. Vardi shared the approval and listing of the Pirelli Building on the National Register of Historic Places under Criterion C, for statewide significance for architecture, community planning and development. Commissioner Learned asks if it is typical for a building to achieve National Register status during rehabilitation. Commissioner Royalty replies yes, and that he is pleased with the listing because the landscape has been so altered and part of building has been lost. The significance of the building was enough to overcome the integrity issues and the listing opens it up for federal tax credits.

5. Enforcement: 83 Howard Ave- Satellite Dish Installation (MBLU: 233 0003 02000)

Ms. Vardi explains that a satellite dish was installed without a Certificate of Appropriateness in the City Point District. She shows a photo of where the dish was installed on the façade of the house at 83 Howard Avenue. She proposes that the first step is to send a letter to the owner asking them to rectify the situation by applying for a Certificate of Appropriateness as it may have been just been an oversight.

Commissioner Royalty comments that he does not recall satellite dishes being issues for the Commission. He asks if appurtenances like dishes, utility meters, etc. are something that require a Certificate of Appropriateness. Mr. Ward replies that he is not aware of exemptions for those kinds of telecommunication and utility items so it would be covered by the Commission.

Commissioner Learned explains that an opportunity to apply for a Certificate of Appropriateness before the Commission is an opportunity to educate about appropriate placement of those items. She adds that because it is not permanent, she personally does not believe it is a big issue, but those items could be put elsewhere. Commissioner Godshall adds that solar panels are similar, and the Commission asks about the height, angle, color, etc. in order to place them appropriately.

Commissioner Kimberly does not think the owner had any idea about the placement because the inhabitants are renters and suggests reaching out to the utility company to talk to them about placement.

Mr. Long asks about satellite dish placement in the back of house. Commissioner Learned clarifies that not every structure has a “back of the house” because some streets allow for visible rights of way from all sides. But, if not visible from the right of way, those items are not under the Commission’s jurisdiction so that is an ideal place for those appurtenances.

Commissioner Kimberly also adds that renters do not take down dishes when they leave so a lot of times they multiply.

Commissioner Royalty comments that there may be an issue with these sorts of appurtenances because many owners or renters never considered that something like this would even be something they need to get permission for. Commissioner Learned brings up Ring doorbells as well as the same type of appurtenance.

New Business

6. Enforcement follow up: 86 Chestnut Street, 28 East Grand Avenue, 36 East Grand Avenue

Commissioner Godshall asks about enforcement updates for Chestnut Street trash enclosures and East Grand signs attached before coming to the Commission. Mr. Ward says he is aware of the Chestnut Street issue but not the signs. Commissioner Learned says letters have been sent but they have gotten no response or remediation. Ward says the next step is a letter of enforcement. Commissioner Godshall asks if Ms. Vardi could show Mr. Ward the letters sent. Mr. Ward says the Chestnut Street issue is nuanced and he needs to figure out best way forward. Commissioner Godshall says they should build what was applied for. Mr. Ward says the building official should know about that as well.

7. Approval of Draft Meeting Minutes- 4/14/2021

Commissioner Godshall requests edits: Discussion of 313 Humphrey Street in the 2nd paragraph: “the appropriateness of that plan” should be instead “inappropriateness of that plan”. Next paragraph is just worded awkwardly, and it should say that required demolition applicants provide a fuller explanation for the proposed demolition and an explanation of their future plans.

Commissioner Godshall moves to accept the two amendments.
Commissioner Kimberly seconds.

All in favor 8:36.

8. Introductions- Dylan Christopher, William Long, Jordan Sorensen

Commissioner Learned introduces new people at the meeting. She introduces a new commissioner, Dylan Christopher who explains he is an architect who lives and works in New Haven. Commissioner Learned introduces William Long, Deputy Director of Zoning. She then introduces Jordan Sorensen, who introduces herself as the new recorder of minutes.

9. 601 Chapel Street- window headers

Commissioner Godshall raises a subject that the New Haven Preservation Trust discussed at a preservation committee meeting regarding work previously approved by the Commission at 601 Chapel Street. She says the exterior looks good, but all window headers have been removed. She explains that she would like to look back at when owner came before Commission but is having trouble accessing those materials as they are no longer available online due to security rule. Ms. Vardi says she will investigate it and that the materials still available on Dropbox. She says she can also ask owner. Commissioner Learned says it is possible that the owner may have taken them off to repair and will replace. Commissioner Godshall adds that the building is for sale but would like Ms. Vardi to inquire about if the headers were present when approval was given by the Commission.

Commissioner Kimberly moves to adjourn.

Commissioner Royalty seconds.

All in favor 8:43.

Respectfully submitted by Jordan Sorensen, recorder.