

RIDGEFIELD HISTORIC DISTRICT COMMISSION
Town Hall, 400 Main Street
Ridgefield, CT 06877
March 17, 2022

Policy: Historic District Commission meetings will be conducted under Roberts Rules of Order and all participants are expected to conduct themselves with dignity and treat all those present with respect, empathy and civility.

APPROVED MINUTES

A meeting of the Ridgefield Historic District Commission (“HDC”) was held via teleconferencing, which was open to the public, on Thursday, March 17 2022, at 7:30 p.m.

The following members were present:

Dan O’Brien, Chair
Briggs Tobin, Vice Chair
Rhys Moore
Sean O’Kane
Kam Daughters (Alternate for Harriet Hanlon)

Sara Kaplan, a candidate for a position on the Commission was present as a member of the public

AGENDA

- 1) 74 High Ridge Avenue – Paving of driveway with asphalt and enlargement of parking area**
- 2) Keeler Tavern Museum, 132 & 152 Main Street – Presentation of lighting plans**
- 3) 57 Main Street – Installation of a fence**
- 4) 50 High Ridge Avenue – Replacement of current wood shingle roof with a tin roof**
- 5) Approval of Minutes**

MEETING

The meeting was called to order by Mr. Dan O’Brien at 7:31 p.m.

1) 74 High Ridge Avenue – Paving of driveway with asphalt and enlargement of parking area

Mr. O’Brien introduced attorney Randolph Lovallo who was representing his client Mr. Perry Lewis of 84 High Ridge Avenue. Mr. Lewis was present with Mr. Lovallo in Mr. Lovallo’s office. Also present was attorney Robert Jewell along with his client, Mr. Mehdi Ali, the Applicant. Mr. O’Brien advised that Ms. Kaplan joined the meeting as an HDC candidate and member of the public. Following the regular HDC meeting, Mr. Aran Wiener would be presenting the project at 104 Main Street in a Special Meeting scheduled for 8:00pm.

Mr. O'Brien stated the HDC held a site visit on Sunday, March 13, 2022, at 74 High Ridge Avenue to observe the driveway and proposed parking bump out. Attorney William Harrison, representing Mr. Lewis at that time, had requested to attend and Mr. Ali did not object to his attending, but Attorney Harrison did not appear on Sunday.

Attorney Jewell stated the Applicant has decided to withdraw the proposed bump out portion of the driveway and driveway widening of the application. Activity that remained to present was solely the paving of the existing trap rock driveway for which they were seeking the Certificate of Appropriateness.

Attorney Jewell said he represented the property owners Mr. Mehdi Ali and his wife. Stated the acreage and zoning of the property, which was located in Historic District II. Records indicated the home was built in 1898. However, in reviewing the land records, he found this house was under construction in 1977. Neighboring parcel two years prior showed a framed garage in this location. He surmised the framed garage was built in 1898 and converted into a single-family dwelling around 1977. Therefore, they were presenting an application to pave a driveway that had been there and expanded in 1977 to accommodate the larger house. The modified application was to simply pave the existing driveway. The reason for the paving was for safety. Trap rock was a dangerous surface for bike riders and pedestrians. Also, it was hard to clear snow and ice.

Mr. Jewell said that trap rock was mainly used for drainage issues and as a sub base for paving. Mr. Jewell noted that the Town of Ridgefield required driveways to be paved for at least the apron of about 8 feet where it meets the public road. High Ridge is a public road. The existing apron was paved in conformance with those regulations. The HDC has jurisdiction in the Historic District over structures and buildings as well as non-residential parking areas. The HDC's responsibility was to determine whether a proposal was historically appropriate. Attorney Jewell believed the paving clearly was appropriate. He noted: 1) Vast majority of driveways in both historic districts were paved. Aerial photos submitted showed this fact. Most driveways on High Ridge Avenue were paved. Jesse Lee had three enormously paved parking areas directly behind the applicant's property 2) Paving had been used for over a century. He submitted several sources on the history of paving. Due to the shape of the lot, the property was only 100 feet wide at the intersection with High Ridge Avenue. Because of the driveway slope, the surface was barely visible from the public way. Based on that evidence, he believed that the HDC could approve as historically appropriate.

Mr. O'Brien stated that for all applications, the HDC's responsibility is to determine the appropriateness of the proposed change as to whether it is appropriate to the Historic Districts. They were guided by State statutes and Town code. Mr. O'Brien stated that the responsibility of the HDC is to make a determination as to whether changes proposed in an application are appropriate and in harmony with the historic district in which the property is located.

In this connection, Mr. O'Brien read the section of State statute and Town code which provides these guiding principles for historic district commissions as follows:

Connecticut State Statute Sec. 7-147f.(b) Consideration in Determining Appropriateness.

(b) In its deliberations, the historic district commission shall act only for the purpose of controlling the erection or alteration of buildings, structures or parking which are incongruous with the historic or architectural aspects of the district.

Ridgefield Town Code 208.5.D Certificate of Appropriateness

A certificate of appropriateness may be refused for any building or structure, the erection, reconstruction, restoration, alteration or razing of which, in the opinion of the Commission, would be detrimental to the interest of the historic district.

Mr. O'Brien asked the Commission members for any comments or questions and stated all Commission members attending tonight were at the site visit on Sunday, March 13, 2022.

Ms. Daughters wanted to clarify that they were looking to pave exactly the driveway as it existed now, not extending it and would they be using asphalt. Attorney Jewell confirmed there would be no extension and material to be used was asphalt.

Mr. O'Brien said it was fairly clear that asphalt was the predominant material for driveway use in the Historic Districts. His observation was that the driveway had a gravelly type of stone. Which was not historically significant. Mr. O'Kane said it was trap rock which was used as a base. As a member of the Commission, Mr. O'Kane said that paving this driveway would be an improvement to the existing driveway and did not have a concern about the proposed plan.

Mr. O'Brien then opened the floor to Mr. Lovallo. Attorney Lovallo stated that his comments were changed in view of the revised application. However, he still wanted to point out several reference points on the HDC Design guidelines. On page 1, the guidelines set up the purposes of the HDC Commission. The reference points were 1) Architectural designs covering the 300 plus year history or Ridgefield. 2) Preserving sites of the 1777 Battle of Ridgefield. 3) Many homes with stately front and side open spaces allowing for open vistas and views across properties.

Attorney Lovallo said the HDC was established in 1968. The 1977 map showed no structure. That suggested the development of this lot had to go thru the historic commission. What was approved originally, was bounded by Belgian block. It had to be an HDC design. If you looked at the design guidelines from the Secretary of the Interior, appendix 3, asphalt was not desirable. They didn't seem to support asphalt as a surface covering in Historic Districts from the Secretary of the Interior. Of course, asphaltting of this ingress/egress driveway would affect the views, which was reference point 3) on page one of the HDC Design guidelines "views across properties", "the side open spaces". This was an intrusion that was inappropriate. Design guidelines continue to say on page 4 that the context to which a structure possessed to other structures within the historic district was critically important in terms of the structure's orientation. Again, guidelines focused on other structures and how others were affected. On page 27, the opening paragraph said Ridgefield Historic District was initially developed before automobiles. Autos are a fact of modern life. Minimizing the visual impact of the necessary accommodations for automobiles was important in preserving the Historic District. No expansion of the driveway minimized the visual impacts but Attorney Lovallo still felt the asphaltting was not appropriate and intrusive. He heard attorney Jewell suggest that most of the homes were paved. He could say that Carnicellis was not paved. He said that he believed Jontalos was not paved. Attorney Jewell said there were aerial photos on record. Attorney Lovallo said he went to Town Hall and looked at the file. The only thing found was the application and one aerial of Attorney Jewell's client's property. He went to see the Town Clerk yesterday. Didn't believe that's accurate. The rules required certain things. Application form, fee be paid, photo of subject property and A2 survey. When it involved the installation of hardscape, a site plan had to be submitted. There was no site plan, no A2 survey. Only a photograph with one aerial of the property. This application was devoid of many things that it was obligated to contain. He didn't agree most of the homes were asphalt. His client's driveway was not asphalted. Quite a few properties were not asphalted. For certain the file at town hall was missing many things, photographs, A2s and site plans. Because it was incomplete, under

section 3.5, the HDC should reject for incompleteness. Lastly, he pointed out, comments on opposition could only be made one time. But asked the Commission to consider the home page, which was only 3 pages. Of course, it pointed out that the preservation was the most important thing of the Commission. The HDC acted in an advisory role with other town departments in matters relating to historic preservation and partnered with the historical society on preservation matters. Ridgefield had a significant interest in its historic preservation. This program empowered the HDC to preserve preservation initiatives beyond regulating historic districts and provided state and federal grant funding for historic preservation issues. It was quite clear that the Commission's role was preservation. He asked for the application to be rejected.

Mr. O'Brien stated that on page 2 of the Commission's design guidelines, it is very specific that these are guidelines and not absolute rules. Every application and situation was different and unique to that particular property and that the Commission must use its own discretion in determining appropriateness. The same applied to the Secretary of the Interior's guidelines.

Attorney Jewell wanted to address Attorney Lovallo's points. 1) He said they were not installing anything. They were paving existing hard scape. Not expanding in any way. Merely resurfacing it. 2) HDC had no jurisdiction over subdivision and creation of lots. Only what was knocked down or built on the lots. He said this home was built in 1977 and the HDC did approve the construction of the house. To his knowledge there was no condition placed on the driveway. 3) When you talked about views, that view scape related to the HDC's distaste of fences. Most were violations in the last few years and had to do with installing fences without Certifications of Appropriateness. In this case, this driveway did not interfere with anyone's view. They were not asked to submit an A2 survey because they were not building anything. They were looking to resurface an existing structure. He had a record map that was like an A2 and would be happy to email it before the hearing closed. He had submitted three aerial photos. Attorney Lovallo confirmed there was one aerial. Attorney Jewell said going down High Ridge Avenue, the vast majority of driveways were paved, especially on the same side of the street. Some of the larger mansions before 1977 had huge circular driveways. But all the others had asphalt. Because Ridgefield required driveways have asphalt due to Ridgefield ordinance. Trap rock was an underlay for asphalt driveways. He said this application should be approved with confidence.

Mr. O'Brien said with respect to the aerial shots just received, they would be placed in the Town file and would be attached to the minutes of the meeting. Attorney Jewell said he would be happy to allow for a continuance of the meeting if so desired. Attorney Lovallo said that would not be necessary. He said he wasn't suggesting asphalt wasn't in the Historic District in Ridgefield. He said that the Secretary of the Interior suggested asphalt shouldn't be used.

Attorney Jewell said he had no further comment. He said the paving was purely for safety and aesthetic improvement.

Mr. Briggs had one more question for Attorney Jewell. Would Belgian block boundary remain with the proposed paving? Attorney Jewell said yes, it would remain. Mr. Ali said yes. He had discussions with his contractor and had discussed it would remain. The reveal between the top of the driveway versus the top of the Belgian block would be slightly less to accommodate the paving. But the block would remain.

Mr. Ali said someone mentioned Mr. Lewis and Donofrio's driveways were not asphalt driveways, which was incorrect. The base had asphalt, with stone rolled on top. Beneath that was asphalt. Both Attorneys Jewell and Lovallo said they didn't know that. Mr. O'Kane said that was commonly

referred to as oil and stone. When cured, you rolled in oil & stone as a topping. That was not what was being proposed here. Mr. O’Kane said that he couldn’t imagine an historic district insisting on a driveway being trap rock. That was not a finished material.

Mr. Tobin had a comment related to Attorney Lovallo’s comment suggesting the HDC’s intent on preserving views across properties. Mr. Tobin said that such an HDC focus was on how those views appeared from the public way, which was High Ridge in this case. Having been there on Sunday, it didn’t seem to him that paving this driveway would materially change the view from the public way.

Attorney Jewell advised Mr. O’Brien he had just emailed him reference maps which qualified as A2 surveys. Mr. O’Brien said he would attach those to the minutes. They would be available for public view.

Ms. Daughters moved and Mr. Tobin seconded a motion to approve the revised application as presented by Attorney Jewell and Mr. Ali for the paving of the driveway with asphalt in the current form and design while retaining the Belgium block as borders. Motion passed 5-0.

The following is a listing of additional evidence items submitted by Attorney Jewell and attached to these minutes:

1. Map 5443 from Ridgefield Land Records
2. Map 5813 from Ridgefield Land Records
3. Aerial View 2
4. Aerial View 3
5. Asphalt Paving throughout History – UNIQUE Paving Materials
6. Pavement History

2) Keeler Tavern Museum, 132 & 152 Main Street – Presentation of lighting plans

The applicant reported to Mr. O’Brien that they were not ready to submit the updated lighting plans.

3) 57 Main Street – Installation of a fence

Mr. O’Brien advised an application has not been submitted to date.

4) 50 High Ridge Avenue - Replacement of current wood shingled roof with a tin roof

The applicant informed Mr. O’Brien that he is withdrawing the application for a tin roof. He will be moving ahead with seeking a roof contractor to replace his wood shingle roof and secondary structure as had been approved by the Historic District Commission on June 3, 2021.

Ms. Daughters moved and Mr. O’Kane seconded a motion to deny the application without prejudice in view of the application withdrawal for a replacement of the current wood shingled roof with a tin roof. Motion passed 5-0.

5)

Approval of the February 17, 2022 HDC minutes and March 13, 2022 HDC site visit minutes

S. O’Kane moved and K. Daughters seconded a motion to approve the February 17, 2022 regular HDC minutes and March 13, 2022 HDC site minutes with Commission members who did not attend such meeting abstaining. Motion passed 5-0.

Mr. Tobin and Mr. Moore seconded a motion to adjourn the Historic District Commission Meeting at 8:08 p.m. Motion passed by unanimous vote.

Respectfully submitted,

Nancy L. Fields
Recording Secretary