

RIDGEFIELD HISTORIC DISTRICT COMMISSION
Town Hall, 400 Main Street
Ridgefield, CT 06877
April 21, 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, April 21 2022, at 7:30 p.m.

The following members were present:

Dan O’Brien, Chair
Rhys Moore
Sean O’Kane
Harriett Hanlon
Kam Daughters (alternate - voting)
Marc Blandford (alternate)
Sara Kaplan (alternate)

Kempton Mooney soon to be moving to CT, was present as a member of the public.

AGENDA

- 1) **57 Main Street – Installation of a fence, stone retaining wall; correct water accumulation issue by lowering grade of the driveway and raising elevation between garage and the house; garage exterior work; installation of an external vent, rework of stairs from the patio to sunroom; addition of a treehouse and raised planting beds**
- 2) **74 High Ridge Avenue – 55’ x 9’ parking bump-out area on the existing driveway having permeable PVC pavers beneath grass covering.**
- 3) **Approval of Minutes**
- 4) **HDC Monthly Meeting – Change in Meeting time**

MEETING

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

- 1) **57 Main Street – Installation of a fence, stone retaining wall; correct water accumulation issue by lowering grade of the driveway and raising elevation between garage and the house; garage**

exterior work; installation of an external vent, rework of stairs from the patio to sunroom; addition of a treehouse and raised planting beds.

The applicant and homeowner, Mr. Thomas Noone, was present. Mr. O'Brien said the applicant presented a thorough and well done application.

Mr. Noone said he was new to Ridgefield and here for the long term. They were attracted to the historic character of the community. He was proposing a plan in seven parts. Mr. O'Brien shared his screen to show the application and Exhibits.

Fencing –The first Exhibit A (property map) was brought on screen- Mr. Noone said there was already deer fencing on the North side (his neighbors), which was approximately 6' but due to the difference in elevation was more like 8', hidden by evergreen planting. They wanted to add similar deer fencing on the Western and Southern sides of the property which had no fencing. The deer fencing on the Western side would run through a forsythia hedge, bramble and wild raspberry even in places where it was over 30 feet deep. On the Southern side, he also wanted to continue the deer fencing. The deer path showed them entering from the South Western corner, moving along the Western boundary on the outside the forsythia hedge and then heading east towards Main Street. By fencing off the backyard, it would be a formidable barrier. On the South side, he was proposing to have the fence in about 10' from the existing driveway, surrounded on each side by dense plantings. He didn't want the fence to be an eye sore to his neighbors. He was looking to be very utilitarian and cover it up. Mr. O'Kane asked if he could see a photo from Main Street.

Exhibit B showed the house, as well as a second photo on that page. Mr. Noone said the deer fencing would end roughly at the end of the garage, the Western part of the garage. He proposed to complete the enclosure by installing a 4 foot white picket fence, consistent with other homes. That fence would be most visible from Main Street. It would run about some 20 odd feet from the end of the deer fence over to the garage. There would be a gate. The picket fencing would run from the garage making a right angle turn at the end of the original house and go in to meet the house. It would then pick up the North side of house and run about 61 feet to meet the stone wall that separated them from their neighbors. There would be no gate in that run of 61 linear feet. But a few gates would be on the Southern section. One gate would be 4 foot wide and be on the South side of the house. He would put in two 8 foot gates to allow entry for equipment and furniture. That would be in the L shape run on the South side, and then on the little bit at the Western end of the garage. He would also like to plant densely heavy planting behind the fence, creating a double barrier so the deer wouldn't jump the fence. That would be an effective barrier. He wasn't proposing a high fence in the front. He didn't want to obstruct the view but only have the one white picket fence and behind it, dense plantings.

Retaining Wall – Mr. Noone referenced Exhibit A again. He said the retaining wall would stretch across the back yard about 90 linear ft. The wall would be two feet high. It would run roughly where the bramble was on the Northern side towards the Southern side. Because there was a natural slope to the ground, it wasn't necessary to carry it through to the Southern side. The purpose of the stone wall was to interrupt the water flow moving from the West to the East side. The wall and gravel would help with drainage. If the Commissioners visited, they would see the backyard was a swamp. It was a runoff source for the surrounding properties. He had to do something to make the backyard usable.

Mr. O'Brien asked if he sought professional advice. Mr. Noone said he had interviewed three landscaping companies. He had received a good proposal from Jeff Shaw landscaping. Their view was that the terrain had settled in a way that there were low points that were interrupting the natural water flow. Mr. Shaw wanted to change the elevation in different places to have a more even flow across the property so that the water didn't pool. He also said to do a retaining wall. Mr. Noone said the bigger issue was the space between the garage and the house which was the low point of the property. It filled up even with a little rain. Nothing absorbed well. It was routinely about 10 inches of standing water. In the winter it froze over and was unpassable no matter how much salt they put down. The stone wall was one part of the solution to address the water issue.

Re-grading the grass in the backyard and resetting the patio was another part. He wanted to lower the driveway. The driveway was part concrete and gravel. The gravel yard was about 6 inches above the grass. It created a dam holding the water in the backyard. He wanted to keep the same driveway material, but wanted to lower the height of the gravel.

Mr. Blandford questioned if the water issue was within the HDC's purview. He asked if perhaps the Building department had to look at it or maybe it was the property owner's water mitigation issue. He understood that the HDC's purview was only in approving the aesthetics. Mr. O'Brien said that if this were wetlands, that would be another issue. Mr. O'Kane said it was really an engineering problem. If a neighbor's water landed on another's property, the regulations said you had to dispose of any water you created (i.e. runoff from driveways, runoff from roof leaders etc.). It had to remain on your property. Anything you created had to remain on your property. The HDC would not address any engineering issues as it was outside of the HDC's purview. Mr. Noone said he wanted to move the water to the East side of the property which was dry. He wanted to keep the water moving and not have it pool behind the garage. That was what he was trying to do. He was trying to address the issue through landscaping. Mr. O'Kane said it was more than that but the HDC wouldn't be able to address those issues. If excavation had to be done (i.e. piping and French drains), that would be all subterranean work and wouldn't impact the historic view from Main Street. Ms. Hanlon said the aesthetics of the two foot wall were within HDC purview, so correct in presenting to the HDC.

Exterior Garage Repairs - That comprised extending an existing stone façade that ran about 10 inches from the South side. Mr. O'Brien brought up Exhibit H. Mr. Noone said when they bought the house, the inspection revealed the wood around the Northern and Eastern sides had rotted at the base due to soil building up against it and lots of water. He wanted to eliminate that and keep the existing curb around the building. Exhibit G showed the rot example on the garage facade. He would like to put stone in because he wanted to raise the grade around that part of the garage around 6 to 8 inches. In this way, the dirt would come against the stone instead of against the wood. It would change the historic façade but be consistent with something that was already there. This would not be visible to Main Street. This was an exterior renovation to the garage.

Kitchen ventilation – They were replacing their old stove, which required an exterior vent. The vent would be on the Southern side, and measure 6 inches by 6 inches. On Exhibit I, the location was marked by black duct tape. The photo was taken from the driveway. It would be hard to see. On Main Street looking in, the vent wouldn't be visible. It would be behind the living room area. Exhibit J was their dryer vent located on the North side. The new vent would be similar, also painted the same color.

Renovating Rear house stairs – Mr. Noone didn't know when the stairs were installed. The backroom of the house was a sun room, basically a covered porch. It appeared the stairs were put in quickly. There was no landing. When you walked up to the back door, there wasn't a place to put packages down. The steps were really steep. He wanted to move the stairs out and put in a 4 foot by 4 foot platform that would be a landing area before going into the house. The stairs were currently wood, but everything else was wither vinyl or plastic. He would be very happy to replace them with wooden railings or balusters. He was open to doing what was best.

Mr. O'Brien said that if any part of those stairs were plastic or aluminum, the HDC would not have approved them. The current direction in replacing with wood, would be the right way to replace them.

Tree house – The tree house would be very simple. It would be 4 feet off the ground, constructed of native wood and painted a natural green color. It would be for the kids to play. It would be behind the bramble with only the roof possibly visible from Main Street. Possible designs were on Exhibit L.

Raised planting beds – Exhibit M showed a raised bed example. Mr. Noone said they would like to put in a sizable vegetable garden, with raised beds of 2 to 3 feet tall. It would be constructed with native wood he would build, painted a mossy green color to be unobtrusive.

Mr. Blandford asked if this could be added to the May 2nd Site visit. Mr. O'Brien agreed. He had already mentioned this to Mr. Noone. He believed it would be either at 6:00 or 6:30pm. Mr. O'Brien said he would let everyone know.

2) **74 High Ridge Avenue – 55' x 9' parking bump-out area on the existing driveway having permeable PVC pavers beneath grass covering.**

The applicant and homeowner, Mr. Mehdi Ali, was present along with his Attorney Robert Jewell. Mr. Perry Lewis of 84 High Ridge Avenue was also present, with Attorney William Harrison in Attorney Harrison's office.

Mr. O'Brien shared his screen with the group to show the application and product catalog.

Attorney Jewell stated he represented Mr. Ali. He had appeared about a month ago, seeking a Certificate of Appropriateness for his client to pave their driveway. The Certificate of Appropriateness was granted for the existing driveway. They had withdrawn the parking bump-out portion initially proposed due to the controversy with the neighbor but also because of the storm water management issue where if they increased the impervious surface they had to install a storm water management plan. Subsequently, his client and their landscaper came out with an idea in such a way that it wouldn't be an impervious surface. Attached to the HDC application is a picture of the product - a residential, permeable paver grid product, that could be covered in dirt or grass. This product was both a pervious surface and invisible. His client, the applicant, has decided to install this product. The applicant has filed for just the pvc parking pad. The Belgian blocks would remain in the same location. They were moved, but merely removed to accommodate the installation of the pvc pad. They would be replaced back in the original place.

Mr. Jewell said that there are two alternative positions which may be argued. The first position was that this pvc parking fabric subterranean pad appeared only of grass, and was not in purview of the HDC, because it was not an exterior architectural feature. It was not a structure, not a building as set forth in the regulations. Also one could note, although certain parking areas were under the HDC jurisdiction that was only for industrial, commercial or home industry or occupational parking. This application was for a Single Family Residence used solely used for a residential purposes. So the HDC doesn't have jurisdiction. His alternative argument was that if a Certificate of Appropriateness was needed, the HDC should grant it because the change was not visible from the public way. It was only visible if you were standing on it looking directly down after the grass grew back and you'd have to look carefully. So, not visible from anywhere and it should be issued a Certificate of Appropriateness. It would not be historically inappropriate.

Mr. O'Brien said two paths of action were set out. He would suggest to the Commission members that the Commission was not going to take up the issue of jurisdiction and debate that. It was an academic exercise. The real issue was that the applicant submitted an application for Certificate of Appropriateness for this bump out with a natural topping on it. The Commission will focus on that. Applicant put in an application for that and the Commission will make a determination on that. Attorney Jewell said he would be happy to answer any questions.

Mr. O'Brien said the HDC members had been provided with copies of Mr. Ali's proposed construction of the bump out and various underground layers to provide it a green surface. Mr. O'Brien opened the floor to the HDC members for any questions on any aspect of the application.

Mr. Moore asked to have pulled up the site plan for this application, with the new location of the parking bump out. Mr. O'Brien said the location was the same as what had been viewed by the Commission at the March 13, 2022 site visit. Mr. Moore said he then recalled where the bump-out was proposed.

Attorney Jewell said there was one change. They were now also proposing a row of arborvitaes as shown on the site plan to provide screening of the area. Mr. O'Brien said he wanted to commend the applicant for proposing that addition. He thought it was a good idea. However, the HDC would not make a judgement on the landscaping as landscaping is not within the Commission's purview but applauded their suggestion.

Attorney Harrison asked if they were using the original site plan or the revised site plan. Attorney Jewell said they were using the original site plan from the original application.

Mr. O'Brien said since there were no further questions, he opened up the floor to the public. There were no questions from the public and Mr. O'Brien asked if Attorney Harrison wanted to make a statement.

Attorney Harrison stated he was representing Mr. Lewis in this matter. In the previous hearing there was a two-fold application. They asked to pave the existing access way and second to expand the parking area along the access way. The application to expand the parking area was withdrawn. However, contrary to what Attorney Jewell stated, his client following the hearing, decided to dig up the proposed additional parking area without permission or approval. Attorney Harrison thought it

was important for the Commission to keep in mind, 1) he wasn't looking to talk about jurisdiction, but if we looked at the HDC guidelines under chapter 11, it said in part 'build driveways to be as minimally intrusive as possible, avoid locating parking or garages in the front yards of properties.' This would be parking in the front yard. Mr. Lewis had no issue with the surface, how it is being finished, that it would be grass there. His objection was that this would be a parking area. As a result, this would be a place for the applicant's landscapers to park their trucks and place their equipment, which would be very disruptive to Mr. Lewis' property. He had a large outdoor terrace, extensive gardens and a 1st floor master bedroom which he slept in. He understood there was a representation that cars that would come and go wouldn't be facing Mr. Lewis' property. That wasn't true. There was going to be a turn-around area where this parking was bumped out. Lights would inevitably shine in Mr. Lewis' property, into his bedroom. There would be extensive noise and pollution. So there would be more than just finishing this area with a nice parking pad. That area was extremely visible from High Ridge. You could see right down that driveway off of High Ridge. The Belgian blocks which seemed to be very important to the Commission that they remain in their current position, would not be reinstalled as original. They would be reinstalled and depressed into the ground so that the landscaping truck and other vehicles could easily access that parking pad which was less than 3 feet from the property line of Mr. Lewis' backyard. Impervious surface was not the issue, the issue was that this was going to be a parking structure. It was going to be used for parking. That was its only purpose and there would be commercial and industrial vehicles using it. Attorney Harrison said he had been close to solving this. They had discussed moving the bump out farther down the driveway.

Mr. Ali interrupted to say he offered to make accommodations but they refused to pay for them. Attorney Harrison said Mr. Ali wanted Mr. Lewis to cover the cost of a lot of the work he was proposing on his property. Attorney Harrison said if you took this bump-out, moved the boxwood, and ran the bump-out close to Mr. Ali's home, the parking area would only extend 2-3 feet beyond the fence that was between behind Mr. Lewis property. It would run from the adjacent property behind Mr. Lewis, about 16 feet into his property. So almost none of this parking area would be visible from Mr. Lewis' property. For some reason this was not acceptable. And that was where discussions broke down. Mr. O'Kane said the HDC didn't have jurisdiction over this question, why were they here? Mr. O'Brien said the jurisdiction wasn't a question or debatable. He suggested to the HDC members that they rule on the presented application for a bump-out. Mr. O'Brien believed the HDC had jurisdiction on this application, and so the HDC had to move forward and make a determination based on the application as filed.

Attorney Jewell wanted to clarify some issues. He said this was a residential property. Because there were occasional visits from commercial entities such as a landscapers, plumbers or carpenters visiting, didn't convert the property or driveway to a commercial or industrial use. Otherwise other properties would be considered an industrial or commercial use and that simply wasn't the case. As for the location of the bump-out, it was selected by Ali because it was the only clear area that didn't have an existing improvement or significant plantings. They explored moving it further back. However, any further back down to connect to the existing driveway, was blocked by an old boxwood. There was a 100 year boxwood over 8' tall and about 7' around that would have to have been relocated, together with some planting beds and significant amounts of Belgian block which was an entirely different project than simply adding a small bump out to the side of the project. It would have cost thousands of additional dollars, which was not the intent of this application. In addition, moving it further back

would eliminate the existing parking and the idea was to provide additional parking. Not eliminate parking and replace it.

Mr. Jewell continued and said that with regard to the backyard, there was no backyard to this house. The backyard of this property was the parking lot to Jesse Lee Memorial Church. So the applicant didn't have the ability to create any working area behind his house. This was a very simple project. At the end of the day, not only would it be invisible, we're talking about parking. Not about cars that might park on the property and be visible. Was the pvc visible from the public way? Not only would it not be visible from the public way, it would not be visible being right next to it once the grass grew. The Belgian blocks would be put back, exactly where they came from. They were removed to allow for the installation of the pad.

Attorney Harrison asked if the Belgian blocks would be installed at the same height when reinstalled. Attorney Jewell said there was nothing in the previous approval about height or depth of the Belgian blocks. So Attorney. Harrison said so they wouldn't. Attorney Jewell said he didn't know because he didn't measure them.

Attorney Harrison said he didn't say this was a commercial use, he said that these were commercial vehicles that would be parking in this area. Mr. Ali had two bump-outs plus parking in front of his garage. Way more parking than most people in town. Attorney Jewell said Mr. Lewis had a giant circular driveway. He said he had presented an application with an invisible improvement. He believed there was no grounds for denial.

Attorney Harrison said with regards to the boxwood, they had also talked to landscapers who could move it for \$1,500. Mr. Ali asked Mr. Lewis to pay for it. In the spirit of compromising, Mr. Lewis had agreed to pay for the cost.

Mr. O'Brien asked Attorney Harrison to please finish his statement to move on. Attorney Harrison asked to sidebar with his client. Mr. O'Brien agreed.

Attorney Harrison returned shortly. He mentioned another section of the HDC guidelines that talked about side views and keeping open views in the HDC district. Clearly that would be violated with the parking pad installation. It would be the vehicles that obstructed the view. Ms. Hanlon asked if he was suggesting that people couldn't have automobiles coming in to park because that would be blocking views. When they talked about having views, they were referring to making sure they were not having fences block the views. Not vehicles. Attorney Harrison said he wasn't suggesting that they couldn't park. He was just pointing out that Mr. Ali already has parking spaces already available. Ms. Hanlon said this was not a land use tribunal. The HDC was meeting to approve the application or not approve it. They could not act as a land use court.

Mr. Ali said he had a right to park his car on his grass regardless of what was beneath it. It wasn't an HDC matter in his view. Attorney Jewell said he was correct. Mr. Ali said irrespective of the outcome, a person had the right to park their cars on their grass. Mr. O'Brien observed that most other properties on High Ridge parked their cars on their property and were visible.

Mr. O'Brien said he was returning to the HDC with any questions from the Commission members.

Mr. Moore said he had a couple questions. So aesthetically the Belgian blocks that were removed to accommodate pad, the only way for them to work was if they were low enough for the trucks to drive over. If they were the same height as the original height, it wouldn't work. So was the new design so they were lower and flat to road. Attorney Jewell said yes, the blocks would be a little lower above flush. Mr. Moore asked how often the landscape trucks visited to the house that would be inconvenient to Mr. Lewis, and that required a special parking place. Attorney Jewell said probably once a week like most landscapers.

Mr. Mehdi said this came about because his landscaper had been warned by the police several times to not park on High Ridge. The landscapers have urged Mr. Ali to accommodate their landscaping trucks on his own property.

Mr. O'Kane said there was one thing Attorney Harrison brought up about no parking in the front yard as it wasn't permitted. He wanted to point out that every house on High Ridge had front yard parking. He didn't know of any house that didn't have parking in their front yard. In this case, as attorney Jewell had stated, there was no opportunity to park behind the house because of Jesse Lee. He didn't agree with Attorney Harrison's argument being a valid argument.

Attorney Harrison said obviously parking had to be in front of the house. He was saying it should be as close to the house as possible. Certainly the HDC shouldn't allow the bump-out to be close to High Ridge itself. There were other locations along the access way. That was his only point.

Mr. O'Kane said this was a neighbor issue. They should have worked it out as adult neighbors. In his view, there was no need to seek resolution from the HDC.

Mr. O'Brien asked if there were any other questions on the application. There being none, a motion could be made.

Ms. Hanlon moved and Ms. Daughters seconded a motion to approve the application as presented for the 55' x 9' parking bump-out area on the existing driveway having permeable PVC pavers beneath grass covering. One member abstained from voting. Motion passed 4-0, with Mr. O'Kane abstaining for the reasons he cited.

3) Approval of the March 17, 2022 HDC minutes, March 17, 2022 HDC Special meeting and two April 3, 2022 HDC site visit and Special meeting minutes

S. O'Kane moved and K. Daughters seconded a motion to approve the March 17, 2022 HDC minutes, March 17, 2022 HDC Special meeting and two April 3, 2022 HDC Site visit and Special meeting minutes. Motion passed 5-0.

4) HDC Monthly Meeting – Change in Meeting time

Mr. O'Brien brought before the Commissioners a suggestion to move the regularly scheduled HDC meeting time to 6:30pm instead of 7:30pm.

Mr. Blandford moved and Ms. Kaplan seconded a motion to move the regularly scheduled HDC monthly meetings to 6:30pm. Motion passed 5-0.

Mr. Blandford and Mr. O’Kane seconded a motion to adjourn the Historic District Commission Meeting at 8:34 p.m. Motion passed by unanimous vote.

Respectfully submitted,

Nancy L. Fields
Recording Secretary