

MILTON HISTORIC DISTRICT COMMISSION
Trinity Church Parish Hall
536 Milton Road
Special Meeting Minutes
November 8, 2021
7 P.M.

1. Call to Order: C. Bramley, Chairman, opened the meeting at 7:03 p.m. Present: C. Bramley, D. Restivo, C. Mitchell, M. Forbes and D. Dowden.

Public Hearings – opened at 7:03 p.m.

The legal notice published in the Waterbury Republican American on 11/3/21 was read into the record by C. Bramley. It was noted by Atty. McCormick the Pfeiffer's address in the legal advertisement and the agenda should have read 566 not 556 Milton Road.

2. Application #348 – Paul and Paulette Pfeiffer, 566 Milton Road for fencing.

Present to explain the application was Brian McCormick, the Pfeiffer's attorney. Mr. McCormick explained that due to the clearing of some landscaping between his client's property and their neighbor's, the Pfeiffers are proposing an 8' high solid wood fence to reestablish their privacy. They met with Chairman, C. Bramley independently to discuss the fence and it was initially determined to not be visible from the road, not requiring a public hearing. The Pfeiffers ordered the fence materials and it was then brought to his client's attention that the fence could be seen from the road and therefore required a public hearing.

Atty McCormick stated his clients reduced the length of the fence, bringing it further back into their property to eliminate visibility from the street. It was noted that in doing so, they would lose a significant amount of money they had already put down on the original amount of fence ordered. As requested by the Commission, his clients did a mock-up of the new proposed fence location. C. Bramley read into the record an email from the Pfeiffer's stating they would be pushing back the fence from its original proposed location and that they planned to install additional plantings in place of the original southerly starting point of the fence.

Commission members were then asked to view the proposed location of the fence which was marked by stakes with flags at the location closest to the road. Some Commission members agreed that the fence in the new proposed location is still visible, requiring a Certificate of Appropriateness.

Photographs taken along the road starting at the easterly driveway of 552 Milton Rd. to the westerly driveway of 566 Milton Rd. by C. Bramley were distributed to Commission members. It was noted that the placement of a dumpster in the front yard of 556 Milton Road served as a landmark in viewing the distance the fence would be from view along Milton Rd.

D. Dowden noted that if the fence is pushed back even further, it would not be visible at all from the street but could still provide privacy along the Pfeiffer's house and pool area. He noted a large tree that could be the landmark for the new location of the fence.

At 7:25pm the meeting was opened to the public.

Speaker 1: Heather Rutecki-Guggenthaler (HRG), 556 Milton Road

HRG asked about location of the public notice and noted that many people in the community weren't aware of the meeting as it is only posted in the Waterbury Republican. C. Bramley noted it is also posted on the town website.

HRG explained she had spoken to all her neighbors before she performed any tree removals. She also explained that she only removed one tree on the Pfeiffer's side which was a dead tree and that the original request from the Pfeiffer's to install a fence falsely noted that it would not be visible from the street.

HRG believes that the proposed fence is out of character and scale for the Milton Historic District and that it goes against the goals of the MHDC. She is also concerned that the installation of the fence could potentially sacrifice the integrity of the historic stone wall that it will run parallel to and which she has partial ownership of.

HRG displayed a series of exhibits including photographs of the property where she had marked the previous fence location visible from the street and some photos showing her selected tree and limb removals which she feels did not have a negative impact on the Pfeiffer's privacy.

Speaker 2: Dave Wilson, 552 Milton Road

Mr. Wilson explained that he has worked in the building industry for many years and because of that he reviewed the building code in reference to this matter. He noted that the Litchfield building code does not clarify whether a fence is a "structure" but he believes that a solid 8' fence could potentially qualify as a structure. In that case, he believes fences would not be allowed within the zoning setbacks as it is currently proposed.

C. Bramley noted that a fence is not considered a structure per the Litchfield zoning regulations, that they are in fact allowed within the setbacks and the statutory requirements of HDC review are different than zoning.

Mr. Wilson noted that he feels The Commission needs something concrete, in writing or visual, that notes the specific location of the fence before they should approve or deny it. He also feels the 8' height of the fence is excessive.

Speaker 3: Martha Fish, 549 Milton Road

Ms. Fish noted that it was unclear to her whether the fence would be visible from the street or not as she had heard different things coming into the night's meeting. She agreed that the fence needs to be marked on a map/survey so the location is clear. She also agreed that the 8' height seemed excessive. Ms. Fish also noted that the fence is solid which she doesn't believe is appropriate for the district.

Applicant Response: B. McCormick

B. McCormick noted that the mock-up showed the proposed location and all members of the commission were invited to see it. He noted that he does believe his clients can provide a map/survey of the property that shows the precise fence location. He noted that the fence is 8' tall due to the topography of the site (the Pfeiffer's property is lower than the adjacent property so the fence needs to be high to provide privacy at that level).

Commission Response:

C. Bramley read a portion of the "Handbook for Connecticut Historical District and Historic Properties Commissions" noting that the commission shall act only for structures "which are incongruous with the historic or architectural aspects of the district" and to ensure that "the general character of the district shall be conserved". She also quoted the section "...will what is proposed damage the historical or architectural integrity of that which already exists and is historical or architectural significance? If the integrity of the existing environment which is of historical or architectural significance is not affected, then the applicant's proposal must be permitted". Lastly she read, "The purpose of districting is not to constrain new construction within traditional architectural styles, but to preserve that which already exists."

D. Restivo noted that since the fence is visible from the street, she is afraid approving it could set a precedent for future installations of similar fences, potentially much closer to the road and it could have a negative impact on the character of the district.

C. Bramley noted that each case has to be reviewed independently and she doesn't believe this would cause a dangerous precedent.

C. Bramley then presented two emails she had received from members of the public:

Letter 1: From Julie Nash

Noted her opposition to the fence based on its height and character

Letter 2: From Denish Nash

Noted his opposition to the fence based on its height and character.

The Commission decided that a site plan needs to be reviewed showing the location of the fence in relation to the road, stone wall, and the house. The site plan should include dimensions from the road and stone wall. The materials of the fence also need to be noted and a specification of

the fence should be provided. The Commission will also meet on the property once the site plan is received to review the proposed location again prior to the Commission's regular meeting. The

The Public Hearing was continued to the November meeting, November 17, 2021 at 7pm at the Trinity Church Parish House.

3. Approval of meeting dates for 2022.

The meeting dates were approved at 8:24 on a motion by D. Restive, seconded by D. Dowden and unanimously carried.

4. Adjournment – the meeting was adjourned at 8:28 p.m. on a motion by D. Dowden, seconded C. Mitchell and unanimously carried.

Carol Bramley, Chairman

Date