

**HISTORIC DISTRICT COMMISSION  
SEPTEMBER 4, 2014  
MINUTES FROM REGULAR MEETING**

**I. ROLL CALL**

Chairperson Diane Mead called the meeting to order at 7:31 p.m. in the Main Meeting Room of the Simsbury Town Offices. Commission members present were Julie Carmelich, Betty Woollacott, and Marguerite Rodney. Also in attendance were Michael Glidden, Code Compliance Officer; Janis Prifti, Commission Clerk; and other interested parties.

**II. APPOINTMENT OF ALTERNATES**

Chairperson Mead appointed Commissioner Carmelich as a voting member.

**III. DISCUSSION AND POSSIBLE VOTE**

Applicant #14-06 consented that a lengthier discussion of their Application would follow Application #14-07.

- b. Application #14-07 of Jonathan Pintoff, Owner, for a Certificate of Appropriateness for the installation of a central air condensing unit on the side of the house on the property located at 100 East Weatogue Street (Map H12, Block 109, Lot 018).

Application #14-07 was read into the record.

The Applicant explained his expectation that the contractor performing the work was going to obtain the permit; however, that did not occur and an Application to correct this has now been filed. The Commissioners explained the Historic District handbook that anything visible from the road requires their approval and would require some type of permanent screening, and vegetation is not permanent. The Applicant explained they also want to have a safe play area for their children, as well as to provide screening. They proposed putting a fence along the side yard with vertical elements about 5 feet tall and would provide a sample of the fence for Commission approval. The Commissioner confirmed they would need to see the actual fencing and proposed layout before providing approval. Types of fencing were discussed, including wood, no shine, and Walpole composite vinyl fencing which has been approved for historic homes. Town Staff confirmed that this Certificate of Appropriateness needs to be secured prior to seeking a building permit.

*Commissioner Rodney made a motion to table Application #14-07 until the next meeting.*

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*Commissioner Carmelich seconded the motion, and it was passed unanimously.*

- a. Application #14-06 of Nancy C. Onken, Owner, for a Certificate of Appropriateness for the construction of a new home and associated accessory structures on the property located at 126 East Weatogue Street (Map H12, Block 106, Lot 036-4).

Application #14-06 and accompanying memo from Town Staff were read into the record, as well as an opposing email from Marc Lubetkin of 107 East Weatogue Street.

The Applicant increased the lot size to 1.5 acres allowing moving the barn 100 feet from the house which they believed meets all zoning requirements. The Applicant confirmed the size of the barn has not changed. With the rising land topography, the Commissioners noted the structures continue to be looming. The Commissioners asked for a description of the front features, e.g. courtyard, fence, retaining wall, and proposed materials. They responded the fence would be similar to the split rail fence at the current property corner. The Applicant's revised design places the barn 115 feet from the road; the majority of trees would be retained; the middle lot would be divided into 2 parcels reducing the entire sections overall footprint. House and barn details remain about the same; the tennis court would be about 40 feet behind the front fence and about 130 feet from the road with elevation about 13 feet above the road elevation of 180. Splitting the lot has made grading less intense with the tennis court backed into the hill and having a Walpole fence of permafuse vinyl chain link fabric with 1 3/4 inch mesh, rather than cedar which deteriorates fairly quickly. Regarding proposed lighting, the retaining wall would provide the base for 3 lights in back with another 3 lights in front and designed to minimize oversplash; the Commission was concerned that the lighting be in character with both the house and the Historic District. The Commissioners noted that in the Historic District, homes are close to the street and are the primary property line focus, and felt this layout subordinates the home moving it to the side so it is not the center focus. Town Staff confirmed that setback requirements call for the barn structure to have the same 50-foot minimum setback as the house, and the Applicant has worked to address Commission concerns to provide more space between the structures. The Commissioners noted the very attractive house would be a desirable focal point and that looking up from the road you would see fence and not house; however, the Applicant believed the barn would be visible first and then the house. The Applicant's engineer felt the strong streetscape with trees would remain.

The designs of other homes on East Weatogue Street were discussed and this house was designed to have a more vertical nature with the extra property allowing the structures to be on a similar grade. A drainage retention area was discussed with the changed plans requiring the Applicant to return to FVHD and to meet with the Town Engineer. The Commissioners reiterated that the house should be in the prime location. The Applicant indicated the split rail fence in front of the courtyard along the driveway would match the fence at the 120 East Weatogue Driveway and provide another buffer. Because the driveway rises up from the street, to keep it level there is a retaining wall ranging from 5 to 0 feet tall.

Chairperson Mead opened the floor to public attendees for comment.

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92 Deb Bibbins of 133 East Weatogue Street appreciated the addition of property, but remained  
93 concerned that a lighted tennis court would not be in keeping with the Historic District rural  
94 character, which is exacerbated by the chain link fence. Commission jurisdiction of how the  
95 lighting fixtures look was discussed, and she believed that lighting up a large tennis court area  
96 would bother neighbors. She also felt the barn square footage was too large compared to the  
97 house, and also would not work with the District's rural character.

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99 Sue Bednarczyk of 118 East Weatogue Street agreed with Ms. Bibbins comments and was  
100 concerned the tennis courts across the street from her property would impede her sleeping, and the  
101 size of the barn would not fit in the Historic District, despite the larger lot. She believed this lot  
102 has not yet been approved by Planning with the driveway drainage offloading into what is already  
103 a problem on her property. She believed Commission approval of the plan would exacerbate  
104 existing drainage problems.

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106 The Commissioners confirmed their drainage is not their purview. Town Staff reviewed that  
107 drainage concerns were addressed in the subdivision approval; for information purposes only, two  
108 items not under HDC jurisdiction would be: 1) for individual site development, each lot handles  
109 their storm water and does not add to any other lot drainage issues; and 2) road drainage issues are  
110 addressed separately by the Town Engineer. Town Staff noted on the record that any deviation  
111 from the approved subdivision for combined lots would likely have the same Planning  
112 Commission requirement to maintain their storm water, with the streetscape presented here to  
113 preserve vegetation being off limits to handle storm water. Ms. Bibbins noted that subdivision  
114 approval did not anticipate a tennis court and asked who looks at that. The Applicant confirmed  
115 their understanding they are responsible for any additional runoff, not for existing runoff issues;  
116 Town Engineer approval is required and she would be responsible for any added runoff.  
117 Specialists in tennis court construction advised the Applicant the site would be drainage neutral  
118 and she would also want to prevent drainage from effecting the property. Town Staff indicated  
119 the Applicant's site drainage system would have to be engineered during site development to meet  
120 requirements of Town Planning and the Town Engineer. Ms. Bednarczyk added while there is an  
121 extensive drainage system drawn, there is an existing drainage problem from that lot which could  
122 be exacerbated by the driveway and tennis court. Town Staff reiterated the proposed drainage  
123 system would have to be approved by Town Staff. Regarding whether an approved drainage  
124 system causes a design change to the streetscape requiring the Applicant to return to the  
125 Commission for approval, Town Staff hypothesized that if a COA were granted showing a certain  
126 streetscape, and during lot development trees have to be used to handle storm water, HDC would  
127 be informed in order to determine whether separate approval is required.

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129 The Commissioners asked for more information regarding the materials to be used in the large area  
130 for the drive and courtyard. The Applicant indicated it would likely be stone, but at the  
131 engineering stage they would work to reduce impervious surface. The Commissioners were  
132 shown traditional barn material samples of eastern white pine, knotty grade, 1x8 with ship lathe  
133 and staggered joints, painted/stained with color unknown; architectural grade shingles; simulated  
134 divided light windows with grills inside/outside; trim, sills and shutters would be traditional and  
135 historically correct. The 2500 sq. ft. house would be about 1,000 sq. ft. less than the 3600 sq. ft.

136 barn and would have regular wood siding with nice corners. The Commissioners expressed  
137 appreciation for the Applicant's efforts in adding the lot and revising the design and suggested a  
138 smaller proportioned barn. The Applicant has broken up the barn into 3 sections with the 2 rear  
139 sections 4 feet back. The Commissioners viewed a picture of the proposed tennis court lighting  
140 and asked if less modern lights were available; the lights would be 20 feet tall and partially  
141 obscured by the 10-foot tall fence. The Commissioners also noted a large surface area would be  
142 lit and visible at night.

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144 Regarding an audience questions about whether the fence needed to be chain link or could it be  
145 more in character with the Historic District, the Applicant reviewed that a cedar fence would  
146 deteriorate in a few years and the chain link fence would be more unobtrusive. In order to  
147 separate the structures, in this design the tennis court with 10-foot tall fence is now more centrally  
148 located with the rear retaining wall fence area less tall. The Applicant was informed by the  
149 Commission at a previous informal discussion that a tennis court could be approved in the Historic  
150 District. The Applicant contacted State Historic Preservation who indicated size alone was not an  
151 appropriate basis for denying an Application; however, the Commissioners clarified the  
152 appearance and mass of buildings on the site would be a consideration. The Commissioners read,  
153 "important considerations for totally new structures will include, among other criteria: qualities  
154 of the building form, including mass, scale and roofing; relationship to immediate neighbors and  
155 placement of buildings on the site; relationship to the District as a whole, including materials,  
156 texture, projections; and environmental factors, including paving, fences, lighting fixtures, signs,  
157 and relationship to open space." The Commissioners were concerned about the effect of lighting  
158 on the neighbors, and the Applicant requested approval, absent the lighting, to facilitate her  
159 decision about moving forward with the project and expanding from two to three lots. The  
160 Applicant requested the Commission's help with more clear direction. The Commissioners  
161 responded that the house was always approvable, but the barn has continued to be an issue because  
162 of its placement and mass; each time the design is refined, new problems have arisen.

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164 *Commissioner Rodney made a motion to close the public discussion.*

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166 *Commissioner Carmelich seconded the motion, and it was passed unanimously.*

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168 The Commissioners discussed whether this design would be too much for this property, even with  
169 the additional land, as the structures are now arranged more linearly with the tennis court more the  
170 focus which is out of context with the area. There was also concern about the lighting "luminaire"  
171 effect from the tennis court at night as you look up. The potential of a more gracious entrance to  
172 the house or softer focal point was discussed. The Applicant would remove the tennis court  
173 lighting if that were a condition of approval. The Applicant noted that plantings have not been  
174 shown yet and that the trees provide a significant buffer. Town Staff noted the public hearing was  
175 closed and could be reopened in order to clearly request more information from the Applicant for  
176 the next meeting. The Commissioners were concerned about how the design looks from the street  
177 and whether the 3 components can live happily on this property, but it is not their function to tell  
178 the Applicant what to draw.

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180 *Commissioner Mead made a motion to reopen the public hearing.*

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*Commissioner Rodney seconded the motion, and it was passed unanimously.*

The Commissioners indicated they would like to see the barn width narrowed, similar to the 5/8/14 drawing at 48'x57' 4" which was more in keeping with an historic barn's dimensions. The Commissioners also suggested a more visually compelling landscape entrance to the house. The Applicant noted the goal to have as much distance as possible between the house and barn, but if the Applicant moved the house to a more central location, that distance would lessen. The Commissioners clarified that these are all moving parts and suggested moving the tennis court south reducing its visibility from the road, while maintaining the distance between the house and barn. The Applicant proposed moving the house a little further from the tennis court, but there are grade site constraints. The Commissioners noted that it remains to be seen whether these suggestions address their concerns. The Applicant's engineer proposed developing a 3-D drawing to scale reflecting these movements and the Commissioners believed this would enable a decision.

An audience member asked if the Applicant would eliminate the tennis court and the Applicant declined, except for eliminating tennis court lighting; and indicated the design process has become expensive. The Commission's iterative process, including a special session for the Applicant, has been to make the design for this property work and issues, as they arise, must be resolved to the Applicant's, neighbors, and Town's satisfaction. The Commissioners summarized the desirability of: the barn dimensions at 48'x57' 4" as shown on the 5/8/14 drawing, the tennis court not lit and moved back a little, a more gracious entrance to the house, the house moved forward about 5 feet, and definition of a more finished courtyard design, e.g. hardscape, grass, fencing, etc. However, the Applicant wanted the additional acreage in order to take the barn back to the bigger size. The Commissioners clarified the barn's square proportion and size do not appear to fit within the District and the 48'x57' 4" narrower barn would be more in keeping with the scale mass of the District, along with moving the tennis court slightly south and seeing what the courtyard might look like, e.g. proposed materials, without landscaping.

Ann Weld of Heather Lane asked if the courtyard would be lit and what would they see when exiting Heather Lane. The Applicant indicated any lighting would be low level and dissipated by the tree line along the road. The Applicant's engineer suggested focusing on major issues at this time. Ms. Weld noted that this lot does not yet exist, and concerns from the initial subdivision continue, including concerns about lighting visibility from the street. The Commission confirmed any lighting visible from the street would require Commission approval.

At 9:00 p.m., Commissioner Patricia Hyppa joined the meeting and was subsequently appointed to serve for Commissioner Rodney who departed the meeting.

*Commissioner Mead made a motion to table the public hearing until the next regularly scheduled Historic District Commission meeting on October 2, 2014.*

*Commissioner Carmelich seconded the motion, and it was passed unanimously.*

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**IV. APPROVAL OF MINUTES OF July 10, 2014**

Regarding the status of the curved scenic road signs that are placed above the Historic District signs, Town Staff has reviewed all available inventory and noted there is a \$500 line item in the budget for more signs. The Commissioners will take a look at where signs are missing and inform Town Staff who will coordinate with the Public Works production and placement of those missing signs. A suggestion was made that the signs remain sticky to prevent theft.

Town Staff advised that Rachel Blatt is the new Assistant Town Planner and will have Staff responsibility for this Commission beginning at the October meeting.

*Commissioner Mead made a motion to approve the July 10, 2014, minutes as written.*

*Commissioner Carmelich seconded the motion, and it was passed unanimously.*

**V. ADJOURNMENT**

*Commissioner Mead made a motion to adjourn the meeting at 9:25 p.m. Commissioner Carmelich seconded the motion, and it was passed unanimously.*

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Betty Woollacott, Secretary