

TOWN OF WASHINGTON
WASHINGTON HISTORIC DISTRICT COMMISSION
Calhoun-Ives, Sunny Ridge and Washington Green Historic Districts

Minutes – September 21, 2020

Members Present: Mr. Hollinger, Ms. Woodroffe, Ms. Mills, Ms. Boyer
Members Absent: Ms. Averill
Alternates Present: Mr. Rimsky, Ms. Van Tartwijk
Alternates Absent: Mr. Fairbairn
Others: Mr. Bijoor
Clerk: Ms. Rill

Mr. Hollinger called the meeting to order at 7:00 p.m. and seated Ms. Woodroffe, Ms. Mills, Ms. Boyer, Mr. Hollinger and Ms. Van Tartwijk for Ms. Averill.

Public Hearing: 0:45

Application for a Certificate of appropriateness, CoA, by The Washington Club, 92 Green Hill Rd. to install privet and plantings to block HVAC units.

Mr. Hollinger read the legal notice for Certificate of Appropriateness CoA, submitted by The Washington Club, 92 Green Hill Rd, to install privet and shrubs to block HVAC units. Mr. Bijoor, Governor, for the Washington Club presented the plan to the Commission. Mr. Bijoor stated the HVAC units were installed without the proper permits years ago, a number of trees were cut down exposing the HVAC units. There was a motion made on July 20, 2020 for The Washington Club to apply for a Certificate of Appropriateness. The Washington Club presented a plan to plant 14 privet on the south side of the building blocking the units, and a large hydrangea to cover the area between the stairs and the units. They would like to have an aesthetic look. The Washington Club will agree to guidelines by the Historic District Commission to ensure proper coverage of units. Ms. Mills questioned why privet was going to be used she thought that was an invasive, Mr. Bijoor who is working with Scotts Landscaping said privet is native to the area. The privet is an evergreen, the hydrangea will need to be covered in the winter. The Washington Club also planted small evergreens for a second layer of privacy to help block the view. Mr. Hollinger lost the connection to the meeting and called Ms. Woodroffe until he regained his connection. The meeting continued. The Washington Club will use a landscaping company to maintain the plantings. Mr. Bijoor stated the initial plantings will be large enough to block the units. Ms. Boyer voiced concern over covering the hydrangea in the winter. Mr. Hollinger referred to a letter from the HDC Attorney Olson;

‘Based upon state law, I agree that you do not have jurisdiction over landscaping per se. This is because your jurisdiction is limited to the exterior features of the buildings and structures of historic nature. To that end, your guidelines considering landscaping to be invisible for purposes

of determining the appropriateness of a structural alteration that is blocked by, for example, a bush or tree, is wholly appropriate. In other words, the HDC is not going to accept an argument from an applicant that a structural modification is appropriate simply because it is blocked from plain view by evergreens.

..Where a structural modification is necessary for the use of the historic structure, such as the HVAC system at issue here, the HDC has discretion on how to adequately buffer that structure to foster maintaining the overall historical features of the property in question. To that end, the HDC may, in its discretion, require evergreen plantings, a fence or both”.

The HVAC units are necessary for the usage of the building. Mr. Hollinger explained the Historic District Commission doesn't have authority over landscaping; but in this case because the units were already installed, and the units are necessary for use of the building the Historic District Commission does have authority over the landscaping that will be used to block the units. There was a modification to the Historic nature of this building to accommodate the use. A landscaping maintenance plan can be required for a CoA.

Motion: To close the public hearing for Certificate of Appropriateness submitted by The Washington Club, 92 Green Hill Rd, to install privet and shrubs to block HVAC units by Ms. Woodrooffe seconded by Ms. Mills passed 5-0 vote.

Regular Meeting 31:13

Mr. Hollinger called the regular meeting to order at 7:31p.m. and seated Ms. Boyer, Ms. Mills, Ms. Woodrooffe, Mr. Hollinger and Ms. Van Tartwijk for Ms. Averill.

Unfinished Business: 31:40

Application for CoA, The Washington Club, 92 Green Hill Rd, to Install privet and plantings to block HVAC units.

Mr. Hollinger referred to the letter from Attorney Olson, he based his remarks on her recommendation that a planting maintenance plan can be in place as a stipulation for a CoA. The seated Commission members opined.

Motion: To approve the Certificate of Appropriateness submitted by The Washington Club, 92 Green Hill Rd, to install privet and shrubs to block the HVAC units: with the following stipulations: The privet must be high enough to cover the units, the hydrangea, must be large enough in size to cover the end of the HVAC system, in addition The Washington Club agrees to a landscape maintenance plan to ensure the privet and hydrangea maintain the coverage of the HVAC units this landscape maintenance plan needs to be submitted to the Historic District Commission, by Ms. Woodrooffe seconded by Ms. Van Tartwijk passed 5-0 vote

The Commission asked for the clerk to send Attorney Olson's letter to the Commission members.

The minutes from the August 17, 2020 meeting were not received by the Commissioners.

Motion: To continue the approval of minutes from the August 17, 2020 meeting until October 19, 2020 by Ms. Woodroffe seconded by Ms. Boyer passed 5-0 vote

Mr. Hollinger would like to have a meeting in the future to review the design guidelines.

New Business: 37:57

No new Business

Motion: To adjourn the meeting at 7:38p.m. by Ms. Woodroffe seconded by Ms. Mills passed 5-0 vote.

Respectfully Submitted By;



Karen Gallagher
Historic District Commission Clerk
09-24-2020

From: Kari L. Olson <kolson@murthalaw.com>
Sent: Sunday, July 19, 2020 10:44 AM
To: Shelley White <shelley.white@hdc.org>
Cc: HOLLINGER THOMAS <thollinger@hdc.org>
Subject: RE: Washington Club and CT Statute 7-147a

Dear Tom: Pursuant to our discussion and the attached letter from Attorney Barnet, you have asked me for guidance in the HDC's ability to allow landscaping as a buffer under a certificate of appropriateness. I have reviewed the letter, the HDC's guidelines and the state statutes. I understand that based upon the HDC's procedures and past practices that you have taken the position that you have no jurisdiction over landscaping and, therefore, cannot permit the applicant to use natural landscaping to hide a non-historical structure from plain view.

Based upon state law, I agree that you do not have jurisdiction over landscaping per se. This is because your jurisdiction is limited to the exterior features of buildings and structures of an historic nature. To that end, your guidelines considering landscaping to be invisible for purposes of determining the appropriateness of a structural alteration that is blocked by, for example, a bush or tree, is wholly appropriate. In other words, the HDC is not going to accept an argument from an applicant that a structural modification is appropriate simply because it is blocked from plain view by evergreens.

Notwithstanding, I agree with Attorney Barnet that where a structural modification is necessary for the use of the historic structure, such as the HVAC system at issue here, the HDC has discretion on how to adequately buffer that structure to foster maintaining the overall historical features of the property in question. To that end, the HDC may, in its discretion, require evergreen plantings, a fence, or both.

To summarize by way of example, if the applicant seeks a certificate of appropriateness to install an HVAC and the HDC allows it as long as there is a sufficient hedgerow to hide it, the HDC has that discretion. If the property owner comes back in two years and wants to enlarge the HVAC system, the HDC will treat the hedgerow as invisible in assessing the impact of the proposed modifications to the overall historic features of the property.

In this case, the HVAC was installed without the necessary certificate first. Based upon state law and your guidelines, the HDC has the discretion to allow the evergreen plantings as a buffer to alleviate the hardship of needing an HVAC system while maintaining the appearance of the historic structure, but it is not obligated to do so. If it chooses to do so, the HDC should consider conditioning the certificate on proper maintenance of the landscaping into the future so that it hides the HVAC as intended. I would also make sure that the property owner sign off on any agreement to maintain the landscaping and that the requirement be spelled out in the certificate and filed on the land records.

Moreover, because your guidelines do not specifically describe the use of landscaping as a buffer, if the HDC is inclined to do so, I would also recommend that it consider revising the guidelines so that the parameters for this type of buffering are clearer and relate only to structural alterations necessary to the proper use of the historic structure.

If you have any further questions, please let me know.

KARI L. OLSON | PARTNER

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