

APPROVED Minutes  
Westport Historic District Commission  
Public Hearing  
October 6, 2016

The Westport Historic District Commission held a public hearing at 7:00 p.m. on Tuesday, October 6, 2016 at Town Hall, Room 201.

PRESENT:

MEMBERS Chair Randy Henkels, Vice Chair Ed Gerber, Bob Weingarten, Marc Lotti and Janet Rubel

ABSENT:

ALTERNATES: Judi Freedman, Cheryl Bliss and Marilyn Harding

QUORUM: Five full members sitting.

Chair Henkels reported on the following HDC activities:

- The 2016 Annual Preservation Awards will be held on Monday, October 17 at 7:00 p.m. in the town hall Auditorium.
- HDC has submitted a CLG Enhancement Grant to be applied to consulting fees to prepare a National Register Nomination Study for Bridge Street.
- On behalf of the Village District Steering Committee, Chair Henkels has submitted a request to the Planning and Zoning Commission to establish a village district in Westport Center.

**Item #1 To take such action as the meeting may determine to accept the final study report for the proposed Saugatuck River Swing Bridge Local Historic District designation which includes the Saugatuck River Swing Bridge (State Bridge No. 01349) also known as the William F. Cribari Memorial Bridge which carries Route 136 over the Saugatuck River, and the two state owned abutting properties on the west and east side of the Bridge, identified respectively as, Connecticut State of DOT Turning Lane and Connecticut State of DOT Excess File No 158-150-3, each located on Bridge Street.**

**The Commission will review the comments and recommendations from the State Historic Preservation Office and the Westport Planning and Zoning Commission, will hear public comment, and will vote to accept the study report for the proposed local historic district designation.**

**The notice will be published in the *Westport News* twice, first on Friday, September 23, 2016 and second on Friday, September 30, 2016. A copy of the study report and comments from the State Historic Preservation Council and the Planning and Zoning Commission can be viewed at the Town Clerk's Office or the Historic District Commission Office.**

Chair Henkels read letters of review from the SHPO and the P&Z Commission commenting on the Saugatuck River Swing Bridge and abutting properties study report. The SHPO letter questioned the appropriateness of creating a Local Historic District made up entirely of state owned property. He also read a legal opinion from Assistant Town Attorney Gail Kelly stating that the State would not be subjected to the local restrictions of designation nor would it be appropriate for a municipality to enact an ordinance that would seek to bind a state agency. Lastly, because the state was not eligible

to vote, no affirmative vote would be possible and consequently the procedure for establishing the district could not be legally met.

Bob Weingarten who acted as chair of the subcommittee commented that there should be some discussion with the owners of properties adjacent to the bridge about expanding the boundary to include residential properties with the possibility of increasing the possibility of an affirmative 2/3 vote for the designation.

Chair Henkels said that the subcommittee was now inactive, having completed its task of preparing the report, which was forwarded to the Planning and Zoning Commission and the State Historic Preservation Office. In his opinion, he commented that the proposed designation was a misuse of the designation process. Although the HDC has voted to support the preservation of the bridge, it was informed that the State would not be bound by HDC design review. If Bridge Street property owners show interest in expanding the boundary, he questioned whether it would mean starting over with a new study report. He said this would involve months more of effort to “gerrymander” favorable votes to override the State for a designation from which they are exempt.

Clerk Bob Weingarten stated that the town set a precedent to include a town owned property in the proposed Maplewood Avenue designation. If a town parcel was included, a state parcel should also be included. (Assistant Town Attorney Gail Kelly commented that the town did not have a vote in the proposed Maplewood District designation; however, if the district was established it would have been regulated by the HDC).

Chair Henkels reiterated that even if the bridge was included in the district, the state is not going to comply with the town ordinance. We have been engaged with DOT in the Section 106 process concerning the possible rehabilitation or replacement of the Saugatuck River Swing Bridge. This designation effort is not going to give the town any advantage in future negotiations.

Member Janet Rubel made a motion to send the report back to the study subcommittee to review options for an amendment to possibly expand the district and to consider other alternatives.

Chair Henkels commented in his opinion, the role of the HDC is being “distracted by a diversionary tactic.” He called for public comments.

Helen Garten who was first questioned by Bob Weingarten concerning who she was representing since she is associated with the Westport Preservation Alliance. She replied that she was representing herself. She commented that the Bridge Street National Register Study would perhaps encourage property owners to consider a local historic district designation which would send a strong message to the State. She disagreed with Chair Henkels by saying that the effort would send a message to DOT that we value the bridge and the neighborhood. She thought the designation might open up discussions with the State.

Chair Henkels replied that he considered the proposed designation a provocative act and an obstruction to our previous efforts and questioned the propriety of the effort. He questioned whether such an amendment would possibly require a new study report with due process.

Clerk Bob Weingarten offered to prepare the study report unless the HDC chose to hire an architectural historian which he considered a more complicated process.

Member Janet Rubel commented that the subcommittee volunteers were willing to “knock on doors” to determine if there was interest in the local district designation.

Clerk Bob Weingarten stated that a majority of the HDC members voted to support the designation of the bridge and adjacent properties.

Chair Henkels asked what is the driving effort here...to save the bridge or establish a local historic district? Why not consider doing a local district that excludes the bridge? He repeated that he did not think using the designation as a mechanism for preserving the bridge was the appropriate approach.

Morley Boyd, volunteer member of the subcommittee, said he was not aware of the comments provided by Assistant Town Attorney Gail Kelly until this meeting. He requested the HDC consider expanding the boundary of the district as he perceived was a recommendation from Mary Dunne, Deputy State Historic Preservation Director. He also commented on how grateful he was to HDC members Janet Rubel and Bob Weingarten for “deputizing” members of the subcommittee to canvass the neighborhood seeking possible support for a local historic district designation.

Clerk Bob Weingarten stated that there was fear among the neighbors about coming before the HDC during the review process and this door to door appeal might alleviate that tension.

Chair Henkels summarized his position by stating the Section 106 review has statutory implications and the local historic district ordinance does not.

Member Marc Lotti stated that he saw no harm in exploring “the many layers of the issue” and was open to bringing the study back to the HDC after the subcommittee polled the property owners.

Wendy Crowther, resident and Westport Preservation Alliance member, counseled the members of the commission to “use every tool in the tool box” to pursue preservation goals.

Vice Chair Ed Gerber suggested the subcommittee come back to the HDC with a report in one month.

Upon motion by Clerk Bob Weingarten and seconded by Marc Lotti, the acceptance of the final draft Saugatuck River Swing Bridge Study Report was postponed by a vote 4 (yes) Weingarten, Lotti, Gerber and Rubel and 1 (no) Henkels. The subcommittee will have the opportunity to discuss the letters of comment from the State Historic Preservation Office and the Assistant Town Attorney, to determine if there are alternative strategies, and present those recommendations to the HDC. If the recommendation includes the expansion of the boundary, the HDC requests a demonstration of support from the property owners.

Given the anticipated length of discussion concerning the next item on the agenda, Chair Henkels announced the reorganization of agenda items in order to more efficiently handle requests for demolition waivers for structures with no historic significance. Morley Boyd expressed strong objection to the action stating that his item of interest would be inconveniently delayed in addition to possibly preventing a member of the public who was not yet in attendance, from the opportunity to object or comment on a proposed demolition. The Commission proceeded in the order of the revised agenda.

**ITEM #3 TO TAKE SUCH ACTION AS THE MEETING MAY DETERMINE TO RECOMMEND TO THE BUILDING OFFICIAL THAT THE BALANCE OF THE DELAY PERIOD FOR A DEMOLITION PERMIT AT 4 SURF ROAD BE WAIVED.**

There were no comments or questions from the members.

There were no comments or questions from the public.

Upon motion by Bob Weingarten and seconded by Ed Gerber and approved unanimously, it was:

RESOLVED: That a recommendation to the building official that the balance of the delay period for a demolition permit at 4 Surf Road is hereby APPROVED.

**ITEM #4 TO TAKE SUCH ACTION AS THE MEETING MAY DETERMINE TO RECOMMEND TO THE BUILDING OFFICIAL THAT THE BALANCE OF THE DELAY PERIOD FOR A DEMOLITION PERMIT AT 39 IMPERIAL AVENUE, IDENTIFIED ON THE HISTORIC RESOURCES INVENTORY, C. 1885/1920S, BE WAIVED.**

There were no comments or questions from the members.

There were no comments or questions from the public.

Upon motion by Bob Weingarten and seconded by Ed Gerber and approved unanimously, it was:

RESOLVED: That a recommendation to the building official that the balance of the delay period for a demolition permit at 39 Imperial Avenue is hereby APPROVED.

**ITEM #5 TO TAKE SUCH ACTION AS THE MEETING MAY DETERMINE TO RECOMMEND TO THE BUILDING OFFICIAL THAT THE BALANCE OF THE DELAY PERIOD FOR A DEMOLITION PERMIT AT 43 HIGH POINT ROAD BE WAIVED.**

There were no comments or questions from the members.

There were no comments or questions from the public.

Upon motion by Bob Weingarten and seconded by Ed Gerber and approved unanimously, it was:

RESOLVED: That a recommendation to the building official that the balance of the delay period for a demolition permit at 43 High Point Road is hereby APPROVED.

**ITEM #6 TO TAKE SUCH ACTION AS THE MEETING MAY DETERMINE TO RECOMMEND TO THE BUILDING OFFICIAL THAT THE BALANCE OF THE DELAY PERIOD FOR A DEMOLITION PERMIT AT 31 WESTFAIR DRIVE BE WAIVED.**

There were no comments or questions from the members.

There were no comments or questions from the public.

Upon motion by Bob Weingarten and seconded by Ed Gerber and approved unanimously, it was:

RESOLVED: That a recommendation to the building official that the balance of the delay period for a demolition permit at 31 Westfair Drive is hereby APPROVED.

**ITEM #7 TO TAKE SUCH ACTION AS THE MEETING MAY DETERMINE TO RECOMMEND TO THE BUILDING OFFICIAL THAT THE BALANCE OF THE DELAY PERIOD FOR A DEMOLITION PERMIT AT 21 SILVER BROOK ROAD BE WAIVED.**

There were no comments or questions from the members.

There were no comments or questions from the public.

Upon motion by Bob Weingarten and seconded by Ed Gerber and approved unanimously, it was:

RESOLVED: That a recommendation to the building official that the balance of the delay period for a demolition permit at 31 Westfair Drive is hereby APPROVED.

**ITEM #2 TO TAKE SUCH ACTION AS THE MEETING MAY DETERMINE TO ACCEPT THE DRAFT STUDY REPORT FOR THE PROPOSED KEMPER-GUNN HOUSE LOCAL HISTORIC PROPERTY DESIGNATION, AT 35 ELM STREET, AND TO DISTRIBUTE THE REPORT TO THE PLANNING AND ZONING COMMISSION AND THE STATE HISTORIC PRESERVATION OFFICE FOR COMMENTS AND RECOMMENDATIONS.**

Ms. Karen Johnson of Charter Realty and Development introduced Ginny Adams, architectural historian, from The Public Archaeology Laboratory, Inc. who commented on the preparation of the Kemper-Gunn Study Report. She gave a brief overview of the history of the building, its owners, and its preservation by relocation. Karen Johnson expressed her appreciation for working with the professional assistance of Ginny Adams and commended the town for its support of the public/private partnership.

Selectman Helen Garten acknowledged the Kemper-Gunn Advisory Group and their long negotiations concerning the leasing arrangements between DC Kemper-Gunn LLC, the Planning and Zoning Commission, and the Board of Finance.

Wendy Crowther said she was pleased to see that Sigfrid L. Schultz, a previous owner and a prominent correspondent during WW II, lived in a converted barn (demolished in 2014) on the property when it was located at 35 Church Street until her death in 1980.

Consultant Ginny Adams referred to a revised ordinance prepared by Assistant Town Attorney Gail Kelly which will be added to the study prior to distribution.

Upon motion by Bob Weingarten and seconded by Ed Gerber and approved unanimously, it was:

RESOLVED: That the draft study report for the proposed Kemper-Gunn House Local Historic Property Designation at 35 Elm Street was accepted with amendment and will be distributed to the Planning and Zoning Commission and the State Historic Preservation Office for comments and recommendations.

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Carol Leahy  
HDC Staff Administrator/CLG Coordinator