



MINUTES  
WINDSOR HISTORIC DISTRICT COMMISSION  
SPECIAL MEETING  
AUGUST 29, 2016 5:30 PM  
LUDLOW ROOM, TOWN HALL  
275 BROAD STREET, WINDSOR, CONNECTICUT

Present: Commissioners Dupont-Diehl, Rubino, Yeich and Alternate Commissioners Hinckley and Sachdev

Also Present: Assistant Town Planner Kenyon, Assistant Town Manager Luiz, Attorney Miller, Attorney Welsh, Mr. Mejias

Commissioner Rubino called the meeting to order at 5:34 PM.

I. New Business

A. Consultation: 398 Palisado Avenue, proposed addition to home

Commissioner Rubino explained the Commission is gathered to review an application for 398 Palisado Avenue. Assistant Town Manager Luiz clarified that there is no application. He went on to explain a building permit application came in to the Building Official but after looking into it more, along with Planning Department staff, the Building Official determined the work triggers the need for an application to be submitted to the Commission. But the applicant disagrees and feels the work to be done will not be visible from the street line. Assistant Town Manager Luiz said it was suggested the applicant come before the Commission to discuss the need for an application or not.

Commissioner Rubino asked if there was a blank application the applicant could fill out. Assistant Town Planner Kenyon responded that there was a blank application available.

Attorney Miller said her client has no objection to paperwork but they want to move forward quickly. She explained the reason for the addition is to have a kitchen that will be accessible for a wheelchair. Attorney Miller said the addition needs to be done quickly so they want to expedite the process. Commissioner Rubino said it may be

easiest if they fill out the application now and asked if the Commission could rule on the application tonight. Assistant Town Manager Luiz said a public hearing is needed for the application and it is important the Commission does not prejudice themselves tonight during the discussion. Commissioner Rubino said he thought the Commission had enough time to hear the application. Assistant Town Planner Kenyon clarified that the meeting tonight was scheduled as a consultation and not as a public hearing because there was a disagreement as to whether or not an application to the Commission was required.

Attorney Welsh said the Commission needs to determine whether or not the project is within their jurisdiction. If the Commission determines it is not within their jurisdiction, then the Building Official can move forward and issue the permit. If it is within their jurisdiction, then they would have to post notice and go through the process to hear the application.

Attorney Miller said that there is a difference in interpretation of the ordinance. She went on to state that you will be able to see the addition but it is their opinion that it does not change the appearance from the street. And because it is written in a way open to both interpretations, Commission input was wanted. Attorney Miller went on to say that because it does not change the overall appearance, they didn't think they needed to apply for an application and now they are at a point where there is little time to expand the kitchen. She said that had they realized months ago, they would have just filed the application. Attorney Miller said they would like to get the Commission's input then they will file the application if necessary.

Commissioner Rubino asked about the timeframe for the building addition. Mr. Mejias responded that the surgery is in October and right now they are three to four weeks behind on construction. The construction will take six to eight weeks.

At this point Commissioner Hinckley asked if the Commission would be taking a vote, then they should appoint the alternates to serve.

Motion: Commissioner Rubino made a motion to appoint Commissioners Hinckley and Sachdev. Commissioner Yeich seconded the motion and it passed unanimously.

Commissioner Rubino said there were extenuating circumstances. Commissioner Hinckley said it was a shame there was not an application filed in the first place. She went on to comment that if the building is being changed and if there is any chance it's going to be visible, then it should be an application.

Commission Dupont-Diehl questioned the language of the ordinance. Attorney Miller said it was their opinion that the work on the structure would not change its appearance. Commissioner Hinckley said that while the change may not be significant, you can still see it. Commissioner Rubino said it will be seen from the road from a certain angle.

Attorney Miller presented the exhibits detailing the area in question between the deck and the side of house, explaining that area will be filled in. She said that they

think it will not change the appearance but if the Commission wants them to file an application they can. She went on to say if the notice could be done before September 21<sup>st</sup> that would be great.

Commissioner Yeich asked if exhibit 4 was taken from the street. Attorney Miller responded that it was.

Commissioner Rubino asked for clarification on notice requirements. Assistant Town Planner Kenyon said that if the application was submitted tonight, the notice could run in the Courant on Thursday so the meeting could be as early as next Thursday.

Commissioner Rubino asked if anyone was opposed to meeting next week. He said he thought the best avenue for moving forward was to get the application filled out and the meeting scheduled as soon as possible.

Commissioners Sachdev and Yeich concurred. Commissioner Dupont-Diehl said that she empathizes with the situation and asked if there was anything in the regulations that allowed the Commission to exercise discretion. Attorney Welsh said it was a matter of the Commission determining whether or not they have jurisdiction. If the Commission determines they have jurisdiction, then they need to go through the process. Commissioner Dupont-Diehl asked if they conclude they don't have jurisdiction because it is not really visible and does not change the appearance of property, would that bind the Commission to behave in a similar fashion in the future. Attorney Welsh said it is on a case by case basis and they would not be giving up rights in future cases.

Commissioner Hinckley commended them for coming before the commission

Commissioner Rubino suggested a private meeting with members of the board to discuss. Attorney Welsh said if the Commission is deciding on jurisdiction they need to keep it open to the public. Assistant Town Manager Luiz said the meeting can't end and everyone has a right to stay in the room, the Commission can only enter executive session for certain things and this isn't one. Attorney Welsh and Assistant Town Manger Luiz said they would leave. Mr. Mejias and Attorney Miller said they would leave too. Attorney Welsh, Assistant Town Manager Luiz, Mr. Mejias, Attorney Miller, and Assistant Town Planner Kenyon left the room.

The Commission discussed steps for moving forward.

Commissioner Rubino invited everyone back into the room. He said it was the consensus that it is the Commission's function to look at these types of issues and it is the Commission's opinion that an application should be filled out. He said the Commission could convene a meeting as soon as possible for next week. Attorney Miller recommended to the Commission that they clarify the rules so it matches the Commission's understanding but they were happy to fill out the application. Commissioner Rubino said the Commission is in the process of re-doing the handbook so there was an opportunity to do that.

Assistant Town Planner Kenyon asked if the Commission wanted to set a meeting date.

Motion: Commissioner Rubino made a motion to schedule a meeting for Thursday September 8<sup>th</sup>. Commission Sachdev seconded the motion and it passed unanimously.

II. Adjournment

Commissioner Sachdev moved to adjourn the meeting at 6:08 PM. Commissioner Rubino seconded the motion and it passed unanimously.

DRAFT