



**Town of Woodbury
Historic District Commission**

281 Main Street South
Woodbury, CT 06798
203.263.3467 • www.woodburyct.org

**MINUTES – September 11, 2023
REGULAR MEETING**

7:30 PM –Shove Building, 281 Main Street South, Woodbury, CT 06798

MEMBERS PRESENT

Maureen Donnarumma, Chair
Susan Cheatham, Vice Chairman
George Messier
Lois Y. Fiftal

MEMBERS ABSENT

Robert S. Kolesnik, Jr.

ALTERNATES PRESENT

Judith Kelz

ALTERNATES ABSENT

Marc Kroll
William Hickey

NOTED OTHERS PRESENT

Jock Lawrason, Lee Lawrason, Thomas Arras, Carol Payne, Michael Malinics, Dennis Griffin, Patrick Roy, Attorney George Cava, Thomas Amatruda, Lisa Amatruda, Deb Carlton

OPENING OF MEETING

- **Call to Order**
Chair Donnarumma convened the regular meeting at 7:30 pm.
- **Seating of Members / Alternates**
Seated for the meeting were Chair Donnarumma, Vice Chair Cheatham, Members Messier, Fiftal and Alternate Member Kelz
- **Conflict of Interest Reminder (CGS §8-11 & Woodbury Town Charter Section 901)**
Chair Donnarumma reminded the Commission of Conflict of Interest; No member expressed a conflict with any matter on the agenda.

PUBLIC HEARINGS

- **23-HD-0017 – 920 Main Street South / Map 34, Lot 1D-A / MSD District & HD#2**
Jock and Lee Lawrason (applicants/owners)
Section 1: Signage – Detachable “OPEN” sign (15” x 7”) attached to previously approved freestanding sign. Also, amendment of prior approval to permit larger sized (10” square) posts for freestanding sign and freestanding light.

Jock and Lee Lawrason came forward on behalf of their application. No changes to the original application. The detachable sign will be hanging from the already approved business sign. The hanging portion will either say OPEN or CLOSED.

MOTION: To close the public hearing (23-HD-0017 – 920 Main Street South / Map 34, Lot 1D-A / MSD District & HD#2).

Made by **FIFTAL**, Seconded by **MESSIER**

Vote: 5-0-0 **Approved** – Motion Passed

Aye Donnarumma, Cheatham, Messier, Fital, Kelz
Nay None
Abstain None

- **23-HD-0019 – 319 Main Street South / Map 104, Lot 91 / MSD District & HD#1**
Dawn Maletzke, Lucky Day Shop (applicant), Lance and Christine Liljequist (owner)
Section 1: Signage – New tenant sign face (48” x 34”) made of aluminum composite panel and vinyl lettering mounted (glued) onto existing wooden sign base and frame, hung by existing metal hooks from existing wooden bracket.
EXEMPTION requested per §7.2.4 (minor change to replace sign face panel on existing frame)

Carol Payne and Michael Malinics (198 Plumb Brook Road, Woodbury) came forward. Carol stated that the same materials that were used for the previous business is what will be used for Lucky Day. The amended application was submitted by a memo dated September 6, 2023, to request installation of a PVC sign on the existing wood frame that is already on the building. The only thing changing is the logo on the sign, so they are requesting the exemption per §7.2.1. (Ordinary maintenance or repair of any exterior architectural feature).

MOTION: To approve application (23-HD-0019 – 319 Main Street South / Map 104, Lot 91 / MSD District & HD#1) per §7.2.4 (minor change to replace sign face panel on existing frame) and issue an “Exemption” Certificate of Appropriateness.

Made by **KELZ**, Seconded by **FIFTAL**

Vote: 5-0-0 **Approved** – Motion Passed

Aye Donnarumma, Cheatham, Messier, Fital, Kelz
Nay None
Abstain None

NEW APPLICATIONS

The Commission shuffled the agenda to move 23-HD-0020 – 125 Main Street South / Map 105, Lot 114-1 / MSD District & HD#1 to after 23-HD-0021 – 100 Main Street North / Map 105, Lot 72 / MSD District & HD#1 to accommodate the applicant whose attorney representative was reported as being stuck in traffic.

- **23-HD-0021 – 100 Main Street North / Map 105, Lot 72 / MSD District & HD#1**
Maureen E. Vint and Dennis J. Griffin (applicant/owner)
Section 10: Roof – Replacement of cedar shingle roof on the front facing portion of house with ash brown 3-tab asphalt shingles.

Dennis Griffin (18 Cragimore Circle, Avon, CT 06001) came forward on behalf of the application.

Chair Donnarumma clarified that the back portion of the house already has architectural shingles, but the front is cedar shingle. Mr. Griffin agreed and reason he is requesting the architectural over the cedar shingles is because insurance companies will not cover the cedar roof anymore and the roof is bad, and he doesn't think it will make it through the winter.

Member Messier stated that he did a site visit at the property today and he asked if he wanted to amend the application because it says 3-tab shingles, which would then cause the application to be denied. It should say architectural shingles. Mr. Griffin confirmed that he meant architectural, and the application was amended.

MOTION: To accept application (23-HD-0021 – 100 Main Street North / Map 105, Lot 72 / MSD District & HD#1) and schedule for public hearing on October 2, 2023.

Made by **FIFTAL**, Seconded by **MESSIER**

Vote: 5-0-0 – **Approved** – Motion Passed

Aye Donnarumma, Cheatham, Messier, Fital, Kelz

Nay None

Abstain None

- **23-HD-0020 – 125 Main Street South / Map 105, Lot 114-1 / MSD District & HD#1**
Patrick J. Roy (applicant/owner)
Section 3: Windows – Replace 34 wooden windows with composite windows.
EXEMPTION requested per §7.2.2 (code compliance for operable windows)

Mr. Patrick Roy (3 Church Hill Road, Roxbury) and Attorney George Cava, Cava Law Firm (73 Southbury Road, Roxbury) came forward on behalf of the application.

Chair Donnarumma questioned what provisions of the regulations are moving? Attorney Cava believes that under §7.2 Exemptions and §7.2.1 - Ordinary maintenance or repair of any exterior architectural feature in the districts which does not involve a change in the appearance or design and mostly under §7.2.2 - The erection or alteration of any feature which the Building Inspector, or similar agent, certifies is required by public safety because of a condition that is either unsafe or dangerous due to deterioration of the feature, Mr. Roy is exempt from the Historic District approval due to the letter received from the Fire Marshal dated 2/24/23. The letter stated that

he needed primary and secondary means of egress, and he could not obtain the secondary due to the windows being inoperable.

The Fire Marshals letter stated to let her office know how he was going to proceed, but Mr. Roy stated that she gave him a verbal deadline of 30 days to repair or replace. Atty. Cava stated that it would of take months to repair the windows and he wouldn't have made the 30-day deadline.

Atty. Cava said that this house was in serious disrepair and wasn't maintained the way it should have been. The new wood used today is terrible, you aren't going to get the durable fir and its mostly pine now and that does not last.

Chair Donnarumma questioned if Mr. Roy had the 30-day time frame in writing and he said "no", he was verbally told that he needed to make arrangements in 30-days to have it reinspected because he couldn't rent the units until the safety concerns were take care of. He said that it was the town's Fire Marshal that gave him the order but went onto agree with Atty. Cava that under §7.2.2 he is exempt because of this order.

Chair Donnarumma asked for evidence that shows the poor condition and opinion that the only alternative was to replace with composite materials. Mr. Roy stated that the Fire Marshal deemed it unsafe. At this point it was a liability because it is a multi-family unit with four families living in it.

Chair Donnarumma asked how many windows needed to be taken care of per the Fire Marshal's order? Mr. Roy stated that every room needs a second means of egress so over half, so that would be 15-17 that needed to be taken care of. Mr. Roy said he replaced all the windows (34) to keep the property all uniformed. Repairing them couldn't be done in a timely manner Atty. Cava continued.

Chair Donnarumma went over the timeline of the three prior applications seeking a certificate of appropriateness with Atty. Cava. Mr. Roy applied three times once on 2/22 and the first application was denied 4/4/22, second application was denied on 8/1/22, and the third application was denied on 2/6/23.

Chair Donnarumma questioned if they were looking for exemption ruling tonight. Mr. Roy stated yes and if it were to be moved to a public hearing, he would have a lot of support.

Atty. Cava stated that Mr. Roy has tried to keep some of the historic integrity of the property by keeping the newer rounded ones on top that were installed probably in the late 19th century also, on the gable end that faces the street there were louvered shutters which were there to replace a window, Mr. Roy was able to find that window and put it back in place.

Alt. Member Kelz questioned if a building permit was ever issued? Mr. Roy said that after he received this notice from the Fire Marshal, he was told that the letter would be sent to the Building Inspector and First Selectman. After the 30-days and the work was completed, he was told that letters were then sent to the Building Inspector and First Selectman stating the condition was deemed safe. He said everyone was notified before, during and after.

Atty. Cava stated that a permit is not required to replace the sash. There are many components to a window and here we are talking about the sash replacement. Chair Donnarumma said that in the Historic District there are regulations, and you must do like for like and it can be repaired but the sash wasn't the only thing replaced and it was replaced with a composite. Atty. Cava said that in the regulations the only thing the district has control over materials is signs because it is clearly stated what the signs can be made of, and windows don't have that written into the regulations. Chair Donnarumma said that they follow the Department of Interior Standards for Rehabilitation along with the Historic District regulations, but Atty. Cava stated that the Department of Interior Standards is to get a tax break tax and they are not relevant to this situation.

Atty. Cava stated that in the regulations it does not say like for like it says or "anything compatible." He questioned why storm windows are allowed because they are 20th century artifices and stated that once you put paint on materials you have no idea what material it is.

Chair Donnarumma questioned again if there is evidence that shows that the wooden windows were not repairable, and Atty. Cava stated that it is not required. Once the violation was issued from the Fire Marshal all the requirements for like for like or anything from the Historic District is the end of it, it is exempt. There is nothing that they need to do to comply to §7.2.2. Chair Donnarumma replied with, but Mr. Roy has known for a period-of-time, that there was a problem with the windows and the Fire Marshal asked for an update with how he was going to proceed, she never told Mr. Roy what materials to use. Atty. Cava stated it is irrelevant because his client needed to comply with Connecticut Fire Safety Code.

Chair Donnarumma stated the regulations for the Historic District is like for like, but Atty. Cava said that does not say that in the regulations. The regulations do not allow them to control the materials under §8.1.2 Deteriorated architectural features should be repaired rather than replaced. If replacement is necessary, the new material should be compatible with the replaced material in composition, design, color, texture, and other aesthetic and architectural qualities. Repair or replacement of architectural features should be based on the original features of the building rather than based on designs taken from other historic buildings. Alterations that create an appearance inconsistent with the character of the building are discouraged. Low maintenance siding, such-as aluminum, or vinyl clapboards, which are products of the mid-20th century, are by nature, inappropriate on historic buildings.

Chair Donnarumma asked Atty. Cava to define composition and he replied that the district should define that. Atty. Cava stated that Mr. Roy windows are the same size, the same grid pattern, (6/6 double hung sash), same composition, same design, color, and texture.

Chair Donnarumma went back and forth regarding what the Fire Marshal order was. Chair Donnarumma states that the Fire Marshal noted to repair or replace, and Atty. Cava stated that the Fire Marshal says she deemed it unsafe and once its unsafe Mr. Roy had to meet that order.

Chair Donnarumma reminded them that they had three applications in since February 2022 and all three were denied. Mr. Roy had plenty of time to repair the windows, but Atty. Cava stated that she was wrong because what was done in the past is in the past. Once the Fire Marshal's violation is issued the regulations deem it exempt.

Atty. Cava then read the exemption §7.2 Exemptions: Certain activities that are undertaken in the historic districts are declared to be of such a nature that they are exempt from these Regulations.

Member Messier replied to this conversation saying that according to Atty. Cava's logic, once he gets the violation order he is free to do whatever he wants. He can put sheets of plywood over these windows and as long as they can be open, it's a go. Atty. Cava agreed, saying that is what the regulation states. Messier says the logic doesn't pan out and Atty. Cava started to say again that once the violation was issued but Messier said he understands the point he is trying to make but he is saying that all bets are off and like or like doesn't matter anymore, composition doesn't matter anymore, building permits don't matter anymore and Messiers feel is that the applicant is saying do whatever you want as long as the windows open.

Member Cheatham states that Atty. Cava's interpretation is wrong. He is arguing that the Commission's interpretation is wrong, but they are saying that in accordance with preservation and the Historic District regulations and the Secretary of Interiors they are seeing it differently.

Chair Donnarumma stated that exemptions need to be granted by the Commission. Atty. Cava questioned where in the regulations does it say that an exemption needs to be granted? Chair Donnarumma explained that the Commission would need to vote on the exemption. He feels that they might take a vote on it, but the regulations says that once the Fire Marshal issued the violation it is exempt.

Atty. Cava stated that he has written many briefs where his briefs statutory interpretations under the rules of Connecticut courts which not only apply to the rules of the legislature but also municipal ordinances, zoning, and land use regulations, including the historic district regulations and the courts are going to look at the regulations and the words used. The court will then be limited to the words, they cannot substitute even though they think it's a good idea to substitute because of the logic, they will be forced to just go by the words.

He goes on to say that the Commission has no authority to tell someone what they can or cannot put in when a safety violation is issued. What if the house was built in the 1500's? They would then have to put in windows that are 9"x17" with leaded glass, but the safety inspector says that does not meet code. The regulations for exemption were written up this way for this exact issue to take it off the Historic District so they can comply to the safety issue. They don't have authority anymore.

Chair Donnarumma followed up with Mr. Roy has known about this issue since 2022, saying the windows are a safety issue. We denied the composite windows and asked for like for like. He has had advanced notice for what was required.

Atty. Cava stated that Mr. Roy came in three times and was denied and that's when the Fire Marshal stepped in and said enough of this. These windows are a safety issue. Chair Donnarumma clarified that the window replacement was not denied. They did not deny the safety concern. They denied the materials of which the windows were made of.

Alt. Member Kelz states that the letter from the Zoning Enforcement Officer, Anne Firlings dated August 10, 2023, says it all. The Commission rebutted saying we still have regulations that need to be followed, even getting the letter from the Fire Marshal does not supersede the regulations.

Chair Donnarumma went on to read the letter from the Zoning Enforcement Officer dated August 10, 2023.

Atty. Cava concluded if they want something in writing from the Fire Marshal, he would be happy to obtain something from her in writing regarding the 30-day timeline.

DELIBERATIONS

- **23-HD-0017 – 920 Main Street South / Map 34, Lot 1D-A / MSD District & HD#2**

Jock and Lee Lawrason (applicants/owners)

Section 1: Signage – Detachable “OPEN” sign (15” x 7”) attached to previously approved freestanding sign. Also, amendment of prior approval to permit larger sized (10” square) posts for freestanding sign and freestanding light.

MOTION: To issue a Certificate of Appropriateness (23-HD-0017 – 920 Main Street South / Map 34, Lot 1D-A/MSD District & HD#2) for the installation of a detachable “OPEN” sign (15” x 7”) attached to previously approved freestanding sign and the freestanding light post.

Made by FIFTAL, Seconded by KELZ

Vote: 5-0-0 – **Approved** – Motion Passed

Aye Donnarumma, Cheatham, Messier, Fital, Kelz

Nay None

Abstain None

- **23-HD-0020 – 125 Main Street South / Map 105, Lot 114-1 / MSD District & HD#1**

Patrick J. Roy (applicant/owner)

Section 3: Windows – Replace 34 wooden windows with composite windows.

EXEMPTION requested per §7.2.2 (code compliance for operable windows)

MOTION: To deny the exemption request (23-HD-0020 – 125 Main Street South / Map 105, Lot 114-1 / MSD District & HD#1).

Made by MESSIER, Seconded by FIFTAL

Vote: 4-0-1 – **Approved** – Motion Passed

Aye Donnarumma, Cheatham, Messier, Fital

Nay None

Abstain Kelz

Alt. Member Kelz’s reason for abstaining is because she feels she does not know where they can go from here and feels that this was a willful move done by Mr. Roy. Did the Fire Marshal really go in for an inspection or was it a way around? This is the part that really troubles here and that is not a reason to deny but having this reservation does not put her in a position to vote Aye or Nay. The windows are in, and this puts us in a bad spot.

- Meeting Minutes – August 7, 2023

Corrections:

Page 4- Second bullet, second sentence, should say *case* not *cause* anymore.

MOTION: To accept meeting minutes of August 7, 2023, as amended.

Made by **KELZ**, Seconded by **FIFTAL**

Vote: 4-0-1 – **Approved** – Motion **Passed**

Ayes Donnarumma, Cheatham, Fiftal, Kelz

Nays None

Abstain Messier

OTHER BUSINESS

- **23-HD-0004 – 4 Main Street South / Map 104, Lot 44 / MSD and HD#1 Districts**
Construction follow-up discussion regarding Certificate of Appropriateness dated March 6, 2023, for repair of dry rot on the front porch with like materials and addition of sky light to southern end of one-story flat roofed portion of building. Thomas and Lisa Amatruda (owners).

Tom and Lisa Amatruda – 19 Orchard Ave came forward.

Chair Donnarumma explained why they were called in. There seems to be missing crown molding on the front porch. She asked if it was being replaced. Mr. Amatruda stated that the reason it was removed was because the water run off was causing rot to the columns. There is nothing historic of the crown molding. He shared a picture that showed that it was not there in the earlier years and putting this crown molding up was someone's attempt to make it look like something. Chair Donnarumma questioned if there is a gap between the roof line and the column now and Mr. Amatruda said they boxed it in to avoid the water runoff.

Mr. Amatruda read a letter that he and Mrs. Amatruda wrote that was addressed to the Historic District Commission about the concerns they have regarding their ruling on window replacement and material used to modify their property and keeping in with the preservation. A copy of the letter dated September 11, 2023, can be found on file in the Land Use office.

- **Enforcement Matters**

The food pantry cabinet at 294 Main Street South, St. Paul's Episcopal Parish has not moved. Members have seen people out there discussing it, but they have not come back to the commission with a solution.

- **Commission Housekeeping**

A workshop is scheduled to go over the other town regulations at 6pm before the next meeting on October 2, 2023.

CORRESPONDENCE

- Take some time to digest the Amatruda’s letter so they can respond back. One response back is that they will be having a panel discussion with experts on windows to analyze all types of windows.

PUBLIC COMMENT PERIOD

- Thomas Arras – 76 Main Street South

Mr. Arras questioned if there is an audio of tonight’s meeting. Clerk responded with yes, he can obtain it in the Town Clerk’s office.

He questioned how did Tom Amatruda get the time to talk about windows without it being on the agenda? Doesn’t that need to be added to agenda. Chair Donnarumma explained that since they were discussing enforcement matters, he was already at the table, but she did recognize that it should have been added to the agenda. Mr. Arras said that if it wasn’t added to the agenda, it should have been under privilege of the floor.

What the lawyer stated tonight on Mr. Roy’s situation isn’t anything they weren’t told before. Mr. Roy has been here three times; he has mentioned fire safety numerous times. Arguing over something for safety and if there was a disaster and someone was trapped there are reasons why things must be done expeditiously. Mr. Roy put in something that has been approved before on other properties. The confusion of the whole issue not understandable. There is no consistency on the approvals and denials.

Continuing with what Tom Amatruda said about preserving the look of the historic district and combining that with what the attorney said about fir you just can’t get the same virgin growth wood anymore. Modern wood windows have just fallen right off the house after seven or eight years. The material just doesn’t last. Do you want to go up and down Main Street and see it in constant state of disrepair? You get to the point that the windows just aren’t safe, they are not practical or workable anymore and he suggests working with applicants to find a solution.

It’s not clear as to what the goal is for the district. Do you want it to look good? There has been discussion in past meetings about do new wood windows look like old wood windows? No, they don’t, but if you put a screen in front or storms you can’t tell. You want something that is functional and something that is going to last and at the same time retain the look. It’s like the cedar shingles being replaced with architectural shingles because the cedar does not last.

He finished up with the district is trying to enforce something that isn’t good for the building.

ADJOURNMENT

Hearing no objections, the meeting was adjourned at 9:03 pm.

RECEIVED & FILED
 IN WOODBURY, CT

This 18th day of September 2023
 at 7:36 o'clock P.M.
 [Signature]
 Town Clerk