

**CITY OF NORWALK
JOINT MEETING OF THE ORDINANCE COMMITTEE &
THE HISTORICAL COMMISSION
JANUARY 20, 2009**

ORDINANCE COMMITTEE

ATTENDANCE: Amanda Brown; Bill Krummel;
Fred Bondi (7:40 p.m.)

HISTORICAL COMMISSION

ATTENDANCE: Peter Bondi; David Park; Hal Alvord; Tod
Byrant; Eric M. Chandler; Donald F. Reid; Kelly
Straniti

REVISIONS TO SOLID WASTE ORDINANCE - CHAPTER 94

Ms. Brown said the information was published incorrectly so therefore they would reschedule the public hearing for next month.

JOINT MEETING

Ms. Brown called the joint meeting to order at 7:30 p.m. She thanked the Historical Commission for attending. She appreciated them coming to discuss the Demolition Delay Ordinance (Chapter 55). She said they were working diligently to try and resolve any issues the mayor had last year with the ordinance in not passing it as well as making it better for the city of Norwalk. In their discussions it became clear that the Historical Commission might be able to fill in the gaps they currently have with the Demolition Delay process. She asked if they were willing to accept these responsibilities and also asked for any suggestions they may have.

Mr. Park thanked Ms. Brown for having the meeting. He said he wanted to recap from the November 2008 meeting and had a question on fifty-five – five B. It gave the historical commission a lot of authority over private property. His concern is that they have nothing to refer to. There was some discussion that the historic resource inventory would be a good resource to refer to, but that document is dated 1978. They need new historic resource inventory but they only have \$20,000 in the current capital budget.

They took it out of the FY 2009 - 2010 budget because of the current economic situation. There were a few other questions with the language; it was confusing to him and other people. He got a call from the law department office regarding their concerns with the Demolition Ordinance. They are specifically concerned with 57A which has to do with historical commission. Fifty-seven A-4 is a historical commission code which is powers and duties limits them to authority over city owned sites. He said he asked the law department if a new ordinance would supersede that and they said it would not. Mr. Park said he thought if they were to revise the demolition ordinance giving them any type of authority over private property he thinks the law department would give them an opinion that they can't do that.

Mr. Bondi said there were some things he would accept and other things he would change. For example, he would like to see the 50 years and older remain despite their attempt to raise it to 75 years and older. The historical commission's original role was to help with this demolition delay process. The other issue is, if they want him to remain as a historical commissioner, he would repeat what David said, which is they can't be involved in public property, and make any determination of whether or not it is historical. They need to move forward with getting the inventory list completed.

Mr. Park said there has been no progress on updating the inventory list. He felt \$20,000 is not enough money for this task.

Mr. Bryant said they have been working together with the preservation trust about this. They have been talking to Dave and Peter about this over time, but they need to move on this now because of the \$20,000 grant available from state to update inventory. They can go to municipalities or non-profits. He has been talking to the woman who administers that program and she is more than willing to give the preservation trust \$20,000 to update this inventory sooner, rather than later before there is no more money. They can coordinate those two things and end up with \$40,000. His mindset is that the inventory is so old they will need to have a comprehensive look at the entire account just to have some idea of where they are going. They will have a consultant to do an in-depth windshield survey. They may be able to get that done for \$20,000. He recommends they coordinate the monies to do achieve a windshield survey inventory and then use the remaining monies for other areas.

Mr. Krummel inquired about the question of jurisdiction of the historical commission. It says you are responsible for city owned historical properties so how do you extrapolate that to being involved in the registry.

Mr. Park said they would not be approving or disapproving anything but simply taking an inventory of the structures in the city.

Mr. Bryant said he thought that same statute charges the historical commission with maintaining that inventory and adding buildings to it.

Ms. Straniti asked what part of 55-B they thought should come out.

Mr. Park said a lot of people think 55-B is fine the way it is written. One point is that for the last two years there has been one public hearing a year. Last year there was a hearing in February 2008.

Mr. Bondi said the way it was currently written states the Norwalk Historical Commission shall hold a public hearing and they do it now is that when someone requests a public hearing they do it.

Ms. Brown read portions of 55-B from her package. She asked for clarification on Mr. Park's opinion that the historic commission has no right over private properties.

Mr. Park said in the past any individual commissioners would give their opinion to the building inspectors. There was no vote on anything, it was just a recommendation given. If a private person came in and offered suggestions they would take that private person's suggestions and bring it to the building commission. He said the difference was that Ms. Brown was now giving them the power to determine whether or not the structure should be demolished. They never had that authority before.

Mr. Park read the powers and duties part of the ordinance. He said this also gives them the ability to go from 90 days to 180 days to make the determination.

Ms. Brown said this technically does not give them power over anything because any of it can be altered based on the court of law. This is asking for your recommendation.

Mr. Park said it does give them the power to determine whether a property is deemed historical or not. He gave them a few examples of previous situations. They bring in a specialist to make the determination if the property is deemed historical or not. The specialist makes a recommendation to the commission. Then the commission makes the determination based on the recommendation of the qualified professional.

Ms. Straniti suggested that the some of the language in 55-B be changed. She recommended the following changes noted in red. The Norwalk Historical Commission shall (**may**) hold a public hearing on any application to which an objection has been filed within 35 days of the date of such objection. As said public hearing the Norwalk Historical commission shall take comments from the application/owner, the party filing the objection and any members of the public who wish to comment and the Commission shall (**may issue recommendations for alternatives to the chief building official, the Tax Assessor, Director of Planning and Zoning and the owner.**) then determine whether such structure was historic, architectural or community significance and whether the proposed demolition with adversely affect such significance.

Ms. Brown asked for any other comments.

Mr. Park said that three years ago when he was first appointed to the historic commission he was subpoenaed to provide information because a private property owner did not like the recommendation the commission was making. That is where there is a possibility for a problem if a property owner does not like your opinion and then you end up going through a law suit and everything gets tied up in litigation. He said it is necessary to really sit down and determine who can make the decisions. He really thinks the first priority is to push forward to get the inventory list updated.

Mr. Bondi said anybody, if they don't like their next door neighbor, can put a delay on their property. What Mr. Parks said is that if that property is not on list it won't provide any reason to tie up property. That property should be on the list as historical and then if someone objects at least you have some kind of supplement there that will say lets talk it over and find some alternative. He stated that they did not vote on changing the time line from 90 to 180 days and he is opposed to changing this.

He asked how Ms. Brown could move forward without first having the inventory list updated.

Ms. Brown said properties that are currently not on list are still handled as historical. The list will only enhance what they are doing.

Mr. Bondi said they have had two public hearings and was two demolitions. Developers have knocked down old houses and no body objected so it just went through whether they were on the list or not.

Ms. Brown said she thought if they were on the list, the building department knows and they would have to follow a specific procedure. It is against federal law to knock down a property on the list without following the procedures.

Mr. Bondi said all those building on West Main Street were knocked down and nobody objected.

Just to try and clarify things from his standpoint. You can not deny demolition in the state of Connecticut; all you can legally do is delay it. You can try to convince the owner they are valuable and can become income producing and more valuable than knocking it down. The delay gives everyone time to talk about it, and, in fact, with regard to the West Main Street properties, the delay provided the developer with a come to Jesus moment in the meeting and then promptly decided to loose his mind. Things change so even though you do get good inventory you put a clause in stating that the historic commission can designate. You can determine it is important to the city of Norwalk. For example, the mid century modern houses that you're talking about are now the hot item in preservation. Very often they are not designated, it is even difficult to determine what is significant, and you could get an entire block of these houses that someone wants to demolish because they think they are worthless. The same way people thought of the

Queen Anne Houses in the 1970's. It is a complex issue and he appreciates the way everybody is working on it and trying to find a good solution.

Ms. Brown asked if there were any further comments. She closed that portion of the meeting and said will take everything the commission said under consideration and will get back to them. She thanked them for their time.

REGULAR MEETING

1. ROLL CALL: Mr. Bondi; Mr. Krummel; Ms. Brown, Ms. Straniti

2. PUBLIC PARTICIPATION: None

3. ACCEPTANCE OF MINUTES:

MS. BROWN MOVED TO TABLE THE MINUTES.

Mr. Krummel asked who would work on making the corrections. Ms. Brown said she would accept his recommended changes and submit them for revisions.

****MOTION PASSED UNANIMOUSLY.**

OLD BUSINESS:

Demolition Delay Ordinance – Chapter 55

Ms. Brown said based on what they heard from the historical commission, it needed to be decided what role they want the historical commission to play. She said they would discuss whether or not to make the language changes to the ordinance as suggested by Ms. Straniti at the next meeting.

Mr. Bondi said the demolition delay issue has always been in existence and now it has been extended to 180 days. The delay can actually go for 200 days. Mr. Bondi said he did not recall ever having issues with the commission members being sued. He thinks that the language in the ordinance is ok if the commission wants it. He thinks the fine amount is appropriate.

Solid Waste Disposal – Chapter 94

****MS. BONDI MADE A MOTION TO RE-SCHEDULE THIS FOR A
PUBLIC HEARING NEXT MONTH.
MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

Ms. Brown stated there was no new business.

ADJOURNMENT

**** MR BONDI MOVED TO ADJOURN THE MEETING
** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Angela M. Catigano
Telesco Secretarial Services