

**Westport Historical Commission  
Dec. 4, 2023 Meeting  
at Town Hall Annex**

Present were Commission Chair Rud Lawrence (RL), members Caroline Bolter (CB), Bill Kendall (BK), Garrett Stuck (GS), Michael Walden (MW), Beverly Schuch (BS), and Deborah Ciolfi (DC).

1. The meeting was called to order by the Chair at 6 p.m. with the above members present.
2. Minutes: The Nov. 6, 2023 meeting minutes were reviewed. GS asked that the minutes be amended by changing the fourth sentence under the 6:05 p.m. discussion of possible reconsideration of the 2038 Main Road vote to read: "GS asked for clarification of the nature of the reconsideration and suggested that a new public hearing is an excessive requirement if the reconsideration is to be merely a revote." He also asked that the first sentence of Additional Items #4 be amended by deleting "a past member of the Historical Commission" from the sentence.

**MOTION** by BK to approve the 11/6/23 minutes as amended, seconded by DC. The motion passed on a 6-0-1 roll call vote, with CB abstaining as she was not present at that meeting.

3. Treasurer's Report: None.

6:05 p.m. – 2038 Main Road – Discussion of application for a Certificate of Appropriateness to remove the existing addition at the rear of the main house, and replace it with a new addition, and to add and relocate the windows on the front façade of the main house. The Chair read a statement summarizing the June 12 Commission vote on the certificate, where the plans were deemed approved on a 3-1 voice vote. After it was noted that four votes were needed for approval, a technical denial was issued. Since the Commission was willing to reconsider the matter, the Chair presented Town Counsel's suggestions for reconsideration of the plans submitted for the June 12 hearing. The applicant's architect, Christopher Wise, confirmed that the plans were unchanged from those presented at the public hearing. There was some discussion of the setback requirements in zoning regulations, with the architect indicating a variance from the increased setback non-conformity would be sought from the Board of Appeals if deemed necessary by the Building Department. The Chair asked if Commission suggestions for revisions to original plans had been considered, and Mr. Wise indicated that the Commission's feedback had been incorporated into the final plans. GS indicated that an informal survey showed that similar south side additions were common in the neighborhood; BK agreed, suggesting that the final design of the addition was appropriate for the neighborhood.

**MOTION** by GS to approve the Certificate of Appropriateness for the plans for 2038 Main Road. Second by BK. The motion passed on a 6-1 roll call vote: GS aye; CB nay; RL aye; BK aye; DC aye; BS aye; MW aye. RL and BK volunteered to serve as monitors.

6:30 p.m. – 2015 Main Road – Discussion regarding the continuing construction of an approximately 9' H x 60' W x 100' D structure without the receipt of a Certificate of Appropriateness from the WHC, and despite the issuance of a stop work order from the Westport Building Inspector. The Chair reviewed the construction of the above described retaining wall related to the installation of an in-ground swimming pool, and the issuance of a Nov. 16, 2023 notice of violation of historic district regulations by the Commission. The notice was followed by the delivery of a stop work order by the Building Department. Attorney Kelly Jordan Price was present, representing owner Robert Branca, and indicated that her client does not believe the Commission has jurisdiction over in-ground swimming pool installations. The

owner maintained that the new retaining wall had replaced existing walls, and stressed that the Building Inspector had approved building permits for both the wall and the pool without indicating that the plans must also be approved by the Historical Commission. BK outlined the proper procedure for Commission review of applications for certificates of non-applicability or appropriateness under historic district guidelines. Atty. Price indicated that her client was willing to file an application for a Certificate of Non-Applicability, holding the position that the Commission does not have jurisdiction over walls or in-ground pools.

Attorney Robert Feingold, representing four residents of the neighborhood, maintained that Mr. Branca knew the proper procedure for certificate applications and approvals from past renovations of 2015 Main Road and another property in the district but chose not to follow those procedures. He suggested that construction of a nine foot high wall structure containing a pool machinery room properly fell under Commission jurisdiction. Town Counsel Roger Smerage recommended that the Commission formally vote to ratify its violation notice, and explained the enforcement options available if the violation was not rectified by the property owner.

**MOTION** by GS to ratify the notice of violation of historic district guidelines issued by the Chair. Seconded by CB. The motion passed on a 7-0 roll call vote.

The Chair asked Mr. Branca if he would file an application with the Commission for a review of plans to determine if a Certificate of Non-Applicability or Certificate of Appropriateness was needed. Mr. Branca indicated he would like to confer with his attorney and Town Counsel before deciding on a course of action that would preserve his right of appeal of any decision. The Chair called the meeting in recess at 7:10 p.m. so the conference could take place; the meeting was reconvened at 7:38 p.m. Mr. Branca indicated that he would file an application for review while maintaining that the Commission had no jurisdiction over the construction work.

7:00 p.m. – Discussion regarding the election of a WHC Secretary and a reassignment of responsibilities between the Clerk and the Secretary. The Chair noted that Commission Clerk Robert Barboza has resigned the position, and thanked him for his service over the past four years. The Clerk's resignation will take effect on Jan. 15, 2025. The Chair indicated that bylaws allow for the election of a Secretary who does not have to be a member of the Commission, and suggested that a back-up Secretary should also be named to assist with those duties if needed. He also suggested that the Commission appoint a liaison to the Westport Historical Society. There were no volunteers for the Secretary post, but historic district resident Betty Slade offered her services as a recording clerk at meetings on a temporary basis. **MOTION** by BS to appoint Betty Slade as a temporary unpaid Secretary, effective with the February meeting. Second by DC. The motion passed on a 7-0 roll call vote.

7:10 p.m. – Discussion regarding the creation of a WHC Advisory Committee. The Chair proposed that residents be recruited to serve on an Advisory Committee of volunteers to be consulted as needed for special projects, as allowed under Commission operating guidelines. Several members suggested possible candidates for recruitment.

**MOTION** by BS to approve the establishment of a WHC Advisory Committee. Second by MW. The motion passed on a 7-0 roll call vote.

## **GENERAL BUSINESS**

1. Monitor's Reports: None.

2. Applications for Certificates of Non-Applicability: An inquiry from the owner of property on Cape Bial Lane was discussed, with members deciding a site visit was needed to review the proposed work. There was some discussion of undertaking a review of procedures concerning Certificates of Non-Applicability, and possibly preparing a Town Meeting article to amend historic district bylaws to correct errors in the language, adding jurisdiction over walls, fences, roofing materials, and swimming pool installations. The Chair will consult with Town Counsel on potential bylaw amendments.

3. New Business: MW reported on the single bid received for soffit and gutter work needed at the house at the Town Farm. A Community Preservation Act funding request has been filed to finance the repairs.

**MOTION** by CB to approve the repair work contract as submitted. Second by BS. The motion passed on a 7-0 roll call vote.

4. Adjournment: **MOTION** by BS to adjourn the meeting at 8:45 p.m. The motion was seconded by DC and passed on a 7-0 voice vote.

Approval Date: 1/8/24