



TOWN OF FAIRFIELD
Town Hall — Fairfield, Conn.
FAIRFIELD HISTORIC DISTRICT COMMISSION

DRAFT MINUTES

September 16, 2010 Special Meeting

The Fairfield Historic District Commission met on Thursday, September 16, 2010 at 5:15 p.m. in the Second Floor Conference Room of Sullivan Independence Hall, 725 Old Post Road, Fairfield, Connecticut.

ATTENDANCE

Present: Commissioners Timothy Smith and Margaret Browning
Alternates Adam Klyver and Thomas Dailey

Absent: Commissioners Ellen Gould and Henry Backe

CALL TO ORDER:

Timothy Smith, acting chairman called the meeting to order at 5:15 p.m.

The following Public Hearing was held.

Show Cause Hearing

1. Dante and Tracey Brittis, 212 Center Street, Southport, Ct 06890

- a) alleged violation: failure to remove stone wall built without HDC approval.
Application denied on May 13, 2010. Original violation letter issued on July 9, 2009.

Tracey Brittis, homeowner, presented photos of the house and retaining wall. She also presented a survey from a previous hearing showing the retaining wall. She stated that she was not sure whether the wall belonged to her or the Town of Fairfield. She stated that the wall had been damaged during construction on the house and was only repaired and was not a new wall. She stated that the previous wall had been covered in vines and when the vines grow, the wall will once again be covered. She said that she and her husband would like to work with the commission to settle this matter. She stated that they were not given enough time to properly prepare for this hearing. Her husband is out of town and she had a previous commitment. She said that they were not aware that an application was needed to repair the wall. When they were informed, they submitted a repair order. They were informed that the wall had not been rebuilt as it previously was, therefore they would need to submit an application for a Certificate of Appropriateness. The application was submitted to the commission at the May 13, 2010 meeting but was denied.

Mrs. Peter Moffitt, Brittis' next door neighbor, stated that she feels that the issue should be dropped. She stated that the wall was in existence when she moved into her house and that Tracy and Dante Brittis had restored the existing wall by cementing rocks that had fallen.

Thomas Dailey requested to see the plot plan. He stated that the plan showed no indication of Town ownership of any property between the Brittis and Moffitt lots so the wall cannot belong to the Town though there may be an easement. Mr. Dailey further stated that the dimension of the present wall appears to be different from the original wall, probably due to added cement making it taller. He also stated that the present wall is very similar to an example illustrated in the HDC handbook as being inappropriate. The HDC strongly discourages this type of wall because too much mortar is showing at the joints.

Margaret Browning reiterated that the wall is inappropriate because of too much mortar and the way the stones are laid. Ms. Browning stated that the commission is bound by state guidelines to uphold rules set by the state.

Adam Klyver stated that the commissioners try very hard to uphold the regulations of the HDC. Timothy Smith read from the minutes of the May 13, 2010 HDC meeting. At that meeting, Dante Brittis stated that the wall was compromised during construction and that it was rebuilt with more mortar joints and approximately one stone's height taller than the original wall. At that time the certificate of appropriateness was denied.

Robert Hatchas present. He requested to see photographs of the existing wall. He stated that since the wall doesn't have a big impact on the district, the commission should try to work with the homeowner. He felt that two solutions could be to either let the homeowner cover the wall with a stone veneer or greenery.

At this time, Mrs. Brittis requested that the commission set a date for another hearing to let her properly prepare for solutions to the violation.

Mr. Dailey moved to uphold the show cause and to give the property owners 90 days to correct the violation prior to the imposition of penalties. He felt that the commission should vote on the matter before them. He felt that the Commission should work with the property owners but in the context of a defined time period since the violation is more than one year old. There was no second so the motion failed.

Margaret Browning made a motion to table the issue until the next viable meeting date. Second by Adam Klyver. Voting in favor of the motion: Timothy Smith, Margaret Browning and Adam Klyver. Voting against the motion: Thomas Dailey. Motion carried.

A date will be set to continue the Show Cause Hearing. Dante and Tracy Brittis will be notified.

Margaret Browning made a motion to adjourn at 6:30. Second by Adam Klyver. Motion carried unanimously.

Respectfully Submitted
Kathy Polifka
Recording Secretary