



W. Lee Palmer
Interim Town Administrator

October 12, 2023

Good Morning Chris,

I have now had an opportunity to review your correspondence to the Town Administration regarding the Application for Certificate of Appropriateness to the Historic District Commission dated February 3, 2021 referencing the work to be done at the Town Property near the Onion Barn, WVFD, PD, and Library, and the description of the proposed work to be done which included “Concrete sidewalks and stone dust walkways that will provide safer connectivity between the school campus, the Weston shopping center and St Francis Church.”

The documents point of contact is former Town Administrator, J. Luiz, and the document is signed by First Selectwoman Samantha Nestor and Christopher Spaulding dated March 13, 2023. It is noted that the proposed date of commencement was changed from June of 2021 to May of 2023, and the proposed date of completion changed from October of 2021 to May of 2025 when the request to extend the work was submitted in 2023. It is also noted that since the initial date of application to now, there has been a change in administration in which Larry Roberts has replaced John Conte as the Director of Public Works and Facilities Management who is responsible for project oversight and Lee Palmer who replaced J. Luiz as Interim Town Administrator in May of 2023.

Upon reviewing the email chain, it appears that the first email I find is an email to First Selectwoman Nestor from you on Tuesday, June 27, 2023 that states:

Hi Samantha

The sidewalks that we, the HDC, rendered a certificate of appropriateness for do not seem to be constructed the same as the documents you provided. Hopefully, I am wrong and the original documents I have are not the correct ones. Could you please forward me the construction documents used for the project and detail the changes from the original approved documents?

*Thanks in advance.
Chris Kimberly*

It appears that your email, in turn, was forwarded to Larry Roberts who provided the following response on August 1, 2023:

Chris,

I see that your agenda has "discussion of Onion Barn to cell tower sidewalk not being as represented by the town in their application" listed. Can you let me know what the basis for the discussion is? Are there any backup materials to look at?

I reviewed the original HDC application and just need some direction on what the concern is.

*Regards,
Larry*

You in turn, responded by stating:

Check out C-200 and see if that's what was built? Not sure there is a problem but we need to meet in order to determine if there is an issue. It would also be helpful to see any change orders to the project. Samantha indicated there were some minor changes made by the DOT but only to the crosswalk, believe.

On 8/1/2023 4:28 PM, Larry Roberts wrote:

Chris,

See attached. Let me know if you have any questions, happy to provide answers.

Larry

On Tue, Aug 1, 2023 at 4:18 PM you wrote:

Larry as you know I asked Samantha a month ago to provide me with the construction document that were original to the application presentation and the ones used for the project. If you have both it might help resolve the question. Previous email-

I will look into this and get back to you. I have included Victoria Houle (who sent me the plans for you on phase 1.

*I have also included Larry Roberts who is managing the construction project.
Victoria/Larry - please let me know if you can sort out this question from the chair of the HDC.*

Thanks

Samantha Nestor

The next email chain appears to begin on Tuesday, September 26, 2023 with an email from you to Nancy Thiel referencing the March 25 meeting HDC:

Nancy,

I couldn't find where in the presentation you mentioned moving the oval. Could you please tell me what time in the video you did.

On Thursday, September 28, 2023, Nancy responded to you by stating:

If you have any questions regarding the green, Lee Palmer will address them on behalf of the town.

Chris, on Thursday, September 28, 2023 at 5:27 PM wrote to First Selectwoman Nestor:

I guess this means we have to go over the whole project to determine what was presented and what the truth is. Do we need to stop any work to be done?"

On October 6, 2023 at 10:21 AM you wrote to Sam and Lee:

I guess the lack of response means we were not told the truth and need, to act accordingly. This also includes the lack of response over the Orion Barn bleachers and walkway. I'm just making sure I didn't miss any responses."

At 10:58 AM that morning, I responded to you by stating:

This is to acknowledge receipt of your email regarding the "Orion Barn, bleachers, and walkway". If you have specific questions relative to these topics, please specify what questions you would like answered and I will direct them to the appropriate person(s). Once I have their information, I will be happy to forward it to you.

At 11:07 AM you responded to me by stating:

The Orion Barn project does not comply with the Certificate of Appropriateness given nor your application provided by the TOW. Talk to Sam she is aware of this."

At 11:25 AM that day I responded to you stating "Please provide specifics as to how and why the Orion Barn does not comply with the Certificate of Appropriateness and I will respond accordingly."

At 12:06 PM that day you provide the following:

Please see attached application and also see the plans that the town submitted to the Commission (they should be in the HDC files in the Town Clerks office). Also see the email exchange below for a little history.

- 1. Bleachers were not included in the application*
- 2. Walkway was to be stone dust not asphalt. See application and plans submitted*
- 3. stone pile was removed*
- 4. walkway path was changed*

If you take the plans and go to the Orion Barn it's obvious the plans were not followed nor was the Certificate of Appropriateness.

Chris, based on your specific questions, I have asked Larry, Victoria and Nancy to provide responses to each of these questions.

Larry's responses are as follows:

The plans submitted with the original application indicate that the sidewalks along the baseball field will vary in material type including stone dust, concrete or bituminous asphalt concrete path, all of which are impervious materials. The Town elected to use bituminous concrete because this is a more durable option and the bid pricing came in low enough that we could afford this more durable option. Obviously, bituminous concrete and stone dust are a similar color. It should be noted that this is not recognizable from the street view.

Technically we did use concrete. Bituminous concrete, also known as asphalt concrete, is a composite material commonly used for road construction and other paving projects. Its durability, flexibility, and resistance to wear and tear make it an ideal choice for high-traffic areas.

The plans showed the sidewalk making a "zig zag" to get around some trees. These trees were in place when the sidewalk plans were created. Subsequent to that, the Tree Warden had the trees removed (they were dead or dying). It didn't make any sense to keep the "zig zag" path of the sidewalk so we just made it go straight. The distance of the alteration was about 30' total. It should be noted that this is not recognizable from the street view.

The bleachers were on the other side of the playing field, very close to the road and near the entrance to the crosswalk. The Parks and Recreation Director desired the new placement, as it is a more safe and practical location. We can, if required, move them back to the other side.

The rocks that were in the Onion Barn lot prior to the sidewalk were not an organized wall; they were essentially a pile of rocks in the corner. These rocks were dispersed in a manner that protects pedestrians and viewers from the vehicles in the parking lot.

I think that covers my thoughts on the subject, happy to answer anything additional you may have.

Larry

Following the meeting with Sam, Larry, Claudia, Nancy, and me convened to discuss your concerns relative to current projects involving the Historic District Commission, and our goal to suggest ways of working together more collaboratively in the future, you conducted a walk-through of the Town Green with Nancy and Claudia. Nancy's responses to your comments relative to any alleged Town Green project changes are as follows:

The only change we made on site was to change the depth of the lawn inside the ellipse from 66' to 72' in order to avoid roots at the existing sugar maple. Other than that, we have followed what we presented to the HDC. And thank goodness there was room to avoid the roots. ...we did not re-present the change to the HDC but, honestly, unless you have a tape measure, how would anyone know? It does not change the design. But, I

suppose, yes, we could have quantified the minor change in March. I honestly did not think it was important.

Chris was also critical of the memorial saying that the boulders do not look like the schematic drawings. I don't even know how to answer that question. The intent was followed. The boulders were found around town and placed as we had proposed.

Chris, in addition to the above responses, as a recent addition to the administration and being new to the process, I would offer the following observations. The original Application was submitted on February 3, 2021 and the project wasn't initiated until May of 2023. Given the significant amount of time it took to get the project off the ground, and reviewing what has transpired in hindsight, moving forward it would make sense for whomever is assigned the project management to ensure that if changes are required to the scope of work or the project, or other factors impact the Town's ability to conform to the original plan, that the Historic District Commission be apprised and provided with a summary of any proposed substantive changes to the project.

If an audience before the Commission or a supplemental application is required, then the Town can certainly provide it. As I read the original application, it does specify concrete sidewalks, bituminous asphalt concrete and stone dust walkways. Larry has provided his rationale for using an alternative to "stone dust" above. The other statement that is worth noting relates to the sidewalks and walkways providing "safer connectivity" which either of these materials does provide.

In closing, for me the major takeaway is that in the future the Town will need to employ a more comprehensive approach to planning and executing projects, securing the appropriate reviews and approvals, and keeping the various appropriate Committees and Commissions informed and engaged in the projects as required.

Thank you for the opportunity to address your concerns.

Sincerely,

Lee Palmer

Lee Palmer
Interim Town Administrator

CC: Samantha Nestor, First Selectperson
Larry Roberts, Director of Public Works and Facilities Management
Victoria Houle, Consultant
Nancy Thiel, Founding Principal