Planning & Zoning Commission Members
Katie DeLuca, Director
Town of Greenwich
101 Field Point Road
Greenwich, CT 06830

RE: Church Sherwood Associates Application

Historic Properties of Greenwich (HPG) is a non-profit organization formed in 2019 to provide assistance in the protection of the Town of Greenwich’s historic resources. HPG is concerned with the application that is being presented to the Town of Greenwich’s Planning & Zoning Commission as the application states that there will be the removal of nine structures within the Fourth Ward - a proud district of homes, commercial sites and a religious organization placed on the National Register of Historic Places in 2000.

HPG respectfully requests the Planning & Zoning Commission to ask the applicant to explore other avenues that the Zoning regulations allow to provide for additional dwelling units specifically Section 6-109 -- rezone to Historic Overlay to allow for newly created 8-30g housing while retaining the historic streetscape and contributing structures within the Fourth Ward. HPG believes that the present application has ‘leapfrogged’ the development process by not exploring alternative solutions and in the process, has determined that the destruction and irreplaceable town’s architectural heritage is appropriate.

HPG believes that any alternative that the applicant provides which does NOT include preserving the aforementioned structures is NOT an adequate justifiable plan. Neither photo-documentation nor a salvage mitigation plan is considered acceptable by HPG (and it should be noted that the applicants themselves have NOT offered to create and maintain a permanent record of the historical features and associated events and personalities that contribute historical significance to these buildings). Again, we feel that a viable plan that suits both preservationists and affordable housing supporters is to have the Planning & Zoning Commission advise the applicant to produce a rezoned plan to Historic Overlay that offers additional units to rent as affordable housing.

Sincerely,

Elise Hillman Green  Russell S. Reynolds, Jr.  Anne H. Young
Co-Founder  Co-Founder  Co-Founder

www.historicpropertiesofgreenwich.org
42 Strickland Road c/o Greenwich Historical Society, Cos Cob, Connecticut 06807
Planning & Zoning Commissioners
Katie DeLuca, Director Planning & Zoning
Town of Greenwich

SUMMARY – An application for a final site plan and special permit has been submitted to Greenwich Planning & Zoning for the “Church/Sherwood” 8-30g development in downtown Greenwich. The plan includes demolition of historic structures that are significant to the Historic Fourth Ward district (a district listed in the National Register of Historic Places) to make way for the development.

Dear Planning & Zoning Commissioners:

I am requesting that the Planning & Zoning Commission not approve the presented application so as to protect public interest and historic structures; ensure ALL assessments have been conducted and have the applicant explore and produce evidentiary results for other alternatives that integrate historic housing with affordable housing.

Public Interest:
According to Connecticut Statues Sec. 8-30g, it is necessary to identify the specific public interest the town/planning and zoning commission seeks to protect. In this case, the public interest lies in the protection of the buildings targeted for demolition along with the drastic change and visual alterations the proposed new construction would have upon the neighborhood. As the application demonstrates the removal (demolition) of contributing structures there is no doubt that this is more than a theoretically possibility – it is a statement that a quantifiable probability that specific harm is going to result if the application were granted (see application).

Justice William Brennan in delivering the opinion of the Court in Penn Central Transportation Co. v. New York City, 438 U.S. 104 (1978), stated, “[I]n recent years, large numbers of historic structures, landmarks, and areas have been destroyed without adequate consideration of either the values represented therein or the possibility of preserving the destroyed properties for use in economically productive ways. The second is a widely shared belief that structures with special historic, cultural, or architectural significance enhance the quality of life for all. Not only do these buildings and their workmanship represent the lessons of the past and embody precious features of our heritage, they serve as examples of quality for today.”

Some 45 years later, the National Historic Preservation Act As amended through December 16, 2016 and Codified in Title 54 of the United States Code, states:
“... (b) The Congress finds and declares that—
(4) the preservation of this irreplaceable heritage [historic properties] is in the public interest (italics are the author’s) so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;”
Public interest is served by orderly and careful development of residential property and open-air spaces. And while a full denial of the application may cause deprivation to the owner of the property’s most valuable use, it is not likely to deprive it of any profitable use(s). Further, at the local level (and specifically with the Town of Greenwich), public interest is defined by the Plan of Conservation and Developmentv along with an active petitionv.

What 830-g does not address specifically but MUST be taken into account is the environment. The applicant in its burdensome application has failed to produce and environmental impact assessment. What would be revealed is that the application is in clear violation of the National Environmental Policy Act with its proposed demolition of a grouping of historic structures:

The National Environmental Policy Act, 42 U.S.C. §§ 4321-4347 (NEPA) . . . governs major federal agency actions affecting not only natural resources, but also cultural resources, including properties listed in the National Register of Historic Places. NEPA states, in relevant part:

[I]t is the continuing responsibility of the Federal Government to use all practical means, consistent with other essential considerations of national policy, to ... (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings, ... [and] (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice.

And specifically with the State of Connecticut:

The Connecticut Environmental Protection Act, or CEPA, allows anyone to sue to prevent “the unreasonable destruction of historic structures and landmarks of the state,” defined as buildings on the National Register of Historic Places. See Conn. Gen. Stat. §§ 22a-15 to 22a-19b. According to the statute, private parties may file suit to prevent the “unreasonable destruction” of historic buildings. Most often, it is the state agency known as the State Historic Preservation Office (SHPO) that is involved in activating the CEPA, with the help of the State Attorney General.

The above practice has been enacted and won in Connecticut courts with structures less than what the developer has proposed to demolish. Any attempt to approve the application would be in clear violation of CEPA. Supporting this is the accompanied statement by CT-SHPO affirming, “These structures are critical components of the district, whose loss would be immeasurable in both their individual historic value and the overall integrity of the district as a whole. Continued erosion of historic integrity can lead to delisting of resources, impacting property owners throughout the area."vii

It should be noted that the developer’s project is a massive apartment complex that intends to house both market-rate units alongside affordable housing rate units – it is not a singular affordable housing facility. This mixture is an important consideration as affordable housing, known in this case as 830-g, is intended to offer/help remedy a market failure in the supply of housing that adjusts costs out of reach for many residents and not intended to demolish federally recognized historic structures – places worthy of preservation – for its advancement.
Assessment:
As the proposed development is centrally located within the Fourth Ward (so recognized by the National Parks Service through their National Register of Historic Places program\textsuperscript{viii}), an environmental review/environmental impact statement should be conducted that assesses the effect of the loss of the contributing structures within said district. A review of the submitted application by the Connecticut State Historic Preservation Office resulted in, “These structures are critical components of the district, whose loss would be immeasurable in both their individual historic value and the overall integrity of the district as a whole. Continued erosion of historic integrity can lead to delisting of resources, impacting property owners throughout the area.”\textsuperscript{viii}

Alternative(s):
Further the applicant has not demonstrated that they could not achieve a reasonable return on their investment through other opportunities available through preservation incentives offered by the Town of Greenwich, the State of Connecticut and through other venues for those nationally recognized structures.\textsuperscript{ix} In fact, the applicant has not even attempted to seek approval for a smaller-sized development (one that does NOT encompass the present sites of the contributing structures to the National Register of Historic Places).

Being recognized as a contributing structure and/or included in the district as a non-contributing structure does not interfere in any way with the present uses of the targeted structures. Their designation permits their owners to continue to use the property precisely as it has been used for over 100 hundred years. Further, zoning incentives exist at the local level for continued use (provided a rezone to historic overlay is created) and grants for rehabilitation and in some cases tax credits exist at both the state and federal levels to assist in keeping these structures viable and livable.

The applicant exaggerates that their plan is the only viable one. There has been no public discussion with the Town of Greenwich Historic District Commission to explore rezoning to historic overlay and the creation of additional dwelling units that could be set aside for affordable housing. There has been no public discussion with the State of Connecticut Historic Preservation Office to best understand and pursue the variety historic preservation grants and likewise with the National Parks Service that oversees the Historic Preservation Fund.

# # #

“The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.”\textsuperscript{x}

In 2000, the Fourth Ward was nominated and placed on the National Register of Historic Places (NRHP) whose “goal” is protection. It must be remembered that to protect a historic structure,
one should not demolish it. Quite simply, the proposed apartment building would be double in size to any of the nearby homes and would reduce the Fourth Ward itself to scattered homes rather than the cohesiveness it has had since its initial development in 1836. The Fourth Ward’s homes cannot and should not be divorced from their settings – particularly when that setting is an integral part of the original concept. Further, it should be noted that the boundary determination of the Fourth Ward Historic District was very specific – “The boundary lines of this district were selected to include the 19th century residential neighborhood of downtown Greenwich located to the north of the main business district and distinguished by its densely developed, low-rise character; and to exclude the commercial area to the south and residential districts to the east, west, and north that differ in the age, size, and placement of their constituent buildings. The southern boundary excludes . . . an upper-middle-income six-story apartment house (now condominiums) on the west side of Church Street . . . Continuing to the south, the western boundary separates the district from another large six-story, upper-middle- income apartment house (now condominiums), this one dating from the 1920s[3] [please note that despite qualifying for age, the apartment houses were not included in the nomination].

Within the Town of Greenwich there are few remaining neighborhoods that immediately offer a glimpse into the past. These must be preserved in a meaningful way – so that additions will protect, enhance and perpetuate the original designs of these structures rather than overwhelm them.

I am hoping that the Planning & Zoning Commission require the applicant to produce further documentation prior to issuing a ruling as there are several unresolved issues based upon the significance of the structures that are to be demolished.

Sincerely,

Anne H. Young
Former Chair Historic District Commission

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[1] Over one-half of the buildings listed in the Historic American Buildings Survey, begun by the Federal Government in 1933, have been destroyed.

The 2019 Greenwich Plan of Conservation and Development[4] begins with an ‘open letter’ authored by Marguerite Alban (Chair, Planning and Zoning Commission) and Katie DeLuca, AICP (Director of Planning and Zoning) that states, “The overriding goal of the Plan is to protect and harness our Town’s historic heritage”. In Chapter 3, Guiding Principles, the first item calls for “Preserve our community character and sense of place”.
Described as: “Greenwich residents take pride in our diverse culture, 380-year history, community amenities, and natural beauty. We prize our important architectural landmarks and the character of our individual neighborhoods and wish to retain the “sense of place” our unique assets provide”. It should also be noted that, “One frequently raised concern is that we do not have adequate protections in place to preserve our community character. In public hearings for pending zoning applications, residents often stress the importance of physical characteristics, like the style of buildings, the impact of traffic, or the loss of open space”. And “When people speak about community character relative to a pending zoning application, they typically stress the importance of the physical characteristics of a neighborhood, such as the pattern and style of buildings, the impact of traffic on the local streets, and open spaces”. The POCD further affirms, “Historic Preservation is a Key Component of Community Character. Greenwich is well-known for its outstanding architecture and rich history. It is imperative to retain these distinguishing characteristics by encouraging the maintenance and preservation of older homes”.

[This is in consistency with: Conservation & Development Policies: the Plan for Connecticut (2013–2018) (that contains as one of its six principles “Conserve and restore the natural environment, cultural and historical resources, and traditional rural lands”).]

Examination of the Town of Greenwich’s 2009 POCD addresses the town’s historic structures as being a part of goals in their contribution to (#2) Protect and enhance well-defined neighborhoods and village centers; (#7) Development should be discouraged or prohibited when it is not compatible with and does not preserve existing land-use patterns; and (#11) While saving what is the essence of Greenwich, protect the Overall Environment, Preserve Energy, Build “Smart,” Remain Sensitive to Historical and Cultural Preservation – with associated action strategies that include “Protect Pre-historic, Historic and Cultural Resources as Historic resources are important because they connect the community to the past and establish a sense of character of the individual town”.

The Guiding Principles and Challenges held that “preservation” was higher ranking than lack of affordable/moderate housing.

A review the 1998 POCD, reflects the basic objectives of Greenwich citizens and identifies preservation of notable historic and architectural resources as a primary goal. This goal is followed by the Action Priority (to) Encourage quality design and preservation of historic residential, commercial and public buildings.

It begins with “Many of our roads, village centers, houses, public buildings and parks, stone walls, dams, pond and even trees were set in place between fifty and three hundred and fifty years ago. Preservation of the Town’s historic and architectural heritage adds value to all properties and helps to define the Town”.

The report states, “The Town’s zoning regulations have existed since 1926 and provide zoning and economic incentives to encourage historic preservation”.

https://www.change.org/p/oppose-the-demolition-of-historic-buildings-in-the-fourth-ward-historic-district?utm_source=share_petition&utm_medium=custom_url&recruited_by_id=655b1450-90de-11ec-b83a-779358f01b6e – as of April 7, 2022, the petition has 2,210 signatures.

vi Kinney letter.

vii Authorized by the National Historic Preservation Act of 1966, the National Park Service’s National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America’s historic and archeological resources.


ix In a wide variety of contexts, the government may execute laws or programs that adversely affect recognized economic values without its action constituting a “taking,” and, in instances such as zoning laws where a state tribunal has reasonably concluded that “the health, safety, morals, or general welfare” would be promoted by prohibiting particular contemplated uses of land. In many instances use restrictions that served a substantial public purpose have been upheld against “taking” challenges, e.g., Goldblatt v. Hempstead, 369 U. S. 590; Hadacheck v. Sebastian, 239 U. S. 394, though a state statute that substantially furthers important public policies may so

\(^x\) https://www.nps.gov/subjects/nationalregister/index.htm

\(^{ii}\) National Register of Historic Places, Fourth Ward Historic District, Greenwich, Fairfield County, Connecticut, National Register No: 00000324.
Hello Ms. Driscoll. Thank you for taking the time to send in your comments. Your email will be circulated to the Commission and placed in the public records, as appropriate. With gratitude for your public engagement,
Margarita
On Mar 26, 2022, at 9:55 AM, Anne <annedriscoll@optonline.net> wrote:

[EXTERNAL]
Dear Mrs. Alban,

I am a concerned Greenwich Resident. Siting public safety issues due to additional traffic and public health issues due to insufficient sewage infrastructure to accommodate the following:

- 60 Units, 7 stories, proposed for 240 Greenwich Avenue, behind Bank of America, extending through the parking lot. Note: 40 West Elm next door, built 1938, is 56 units and (25 West Elm, across the street, built-in 1939, is 60 units.
- 110 units, 7 stories, proposed for Benedict Court, behind St. Mary’s Church on Greenwich Avenue,
- 192 units, 6 stories, proposed for Church Street/Sherwood Place in the Historic Fourth Ward would require demolition of 9 historic properties.
- 86 units, 5 stories, 5 Brookridge Drive/Post Road, currently has a single-family house, on 5-bedroom septic.

I ask that you do not approve these projects.

Thank you.

Anne Driscoll
27 Locust Road
Greenwich CT 06831
CAUTION: This email originated from outside the Town email system. Do not click links or open attachments unless you have verified the sender and know the content is safe.
From: Clarke, Carol <carol.clarke@sothebys.realty>
Sent: Wednesday, April 6, 2022 3:29 PM
To: Alban, Margarita <Margarita.Alban@greenwichct.org>; DeLuca, Katie <Katie.DeLuca@greenwichct.org>
Subject: church/Sherwood proposed apartment building under 8-30G

[EXTERNAL]
I would like to register my concern for the proposed multi-storied apartment building on Church St, basically replacing half of the structures on the block. Both Church St and Sherwood Place are already overly congested due to the narrowness of the streets. Moreover, they both open onto East Putnam Ave which is already a heavily traveled road with numerous accidents. Not to mention constant pedestrian “traffic” associated with the YMCA across from Church St which will be put at risk.

It’s rather disgraceful that a useful health facility, the Hospital cancer center, of only 3 above grade floors, can be sidelined while monstrous 8-30G projects can supersede local zoning regulations which are intended to protect local citizens and the integrity of the town.

Carol Clarke
Sotheby's International Realty
One Pickwick Plaza
Greenwich CT, 06830
203-249-5938 (cell)
203-618-3174 (office)
View My Website Here
Click here to view listings with the Sotheby’s app

*Wire Fraud is Real*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions. Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

**CAUTION:** This email originated from outside the Town email system. Do not click links or open attachments unless you have verified the sender and know the content is safe.
From: Cary Keigher <caryrkeigher@gmail.com>
Sent: Tuesday, April 5, 2022 3:56 PM
To: Alban, Margarita <Margarita.Alban@greenwichct.org>; DeLuca, Katie <Katie.DeLuca@greenwichct.org>
Cc: Mike <keigher@mac.com>
Subject: Church Street Sherwood Place Project

[EXTERNAL]

Dear Katie and Margarita,

Michael and I are writing today over the strong opposition for the application before P & Z regarding the Church Street Sherwood Place 192 Unit 8-30g proposal. We live on Sherwood Place, walk to town regularly, used to walk our dog multiple times a day and watch the students and Faculty go to and from Brunswick and GA. This proposal does not fit the neighborhood relating to scale, environmental concerns, town sewer issues, existing flood issues, traffic and most importantly safety. There is no way a structure of this size will work in this historic neighborhood.

Please take into consideration the already labeled historic district with many original homes, the diverse background of the many residents, the narrow streets, the already tight parking, the high pedestrian foot traffic given the neighboring schools and the location near to town. We are beyond capacity now and witness high traffic volume during business hours. I invite members of the Zoning Committee to walk the streets with me to experience the volume of cars and people in this area.

Thank you for your time and commitment to our town. We have resided in town for 30 years and are deeply concerned.

Respectfully submitted,

Cary & Michael Keigher
77A Sherwood Place

CAUTION: This email originated from outside the Town email system. Do not click links or open attachments unless you have verified the sender and know the content is safe.
April 7, 2022

Re: Housing Comments for 35, 39, 43, 47 Church Street; 32, 36, 42 Sherwood Place; 1, 2, 3, 4 Putnam Court - PLPZ2022 00047

The development at Church Street, Sherwood Place and Putnam Court has provided a draft Affordability Plan and the comments from the Housing Specialist are as follows:

Introduction
- The language is a bit repetitive; the language should read 60% of State or Area median whichever is less, or 80% of State or Area median whichever is less…

II. Entity Responsible for Administration and Compliance Reporting
- This section should also note that the Administrator should have the experience and qualifications to administer the Plan.

III. Construction Quality, Phasing, and Bedroom Type for Affordable Housing Apartments
- The Plan talks about quality of units being the same and then goes into Section C. Bedrooms where is states that residents will have the option to pay for certain additional amenities. This contradicts that each unit will be of the same in quality if some residents can purchase additional amenities and other residents cannot. Each affordable and market rate unit should be comparable, and each resident should have access to the same amenities. Can you explain what additional items that the residents would be able to purchase?

VIII. Prioritization of Applicants in Initial Leasing
- The Plan notes an application fee. Will there be a waiver if an applicant cannot pay the application fee?

X. Monthly Payment
- The Plan notes “common charges”. Does the development foresee charging common charges for the units and at what would these common charges cost and provide?

XIV. Change of Income or Qualifying Status
- Please allow the resident 30 days to notify the Administrator for change of income. This amount of time seems more reasonable than the 7 days stated. And the resident has signed up for a one year lease and should remain until the end of the lease even if they experience a change of income before the lease ends.

Example Rider
- Please note Area Median Income for Stamford/Norwalk and not the Town of Greenwich.
Thank you,

Crystal Berry
Housing Specialist
Planning & Zoning
Town of Greenwich
To: Ms. Margarita Alban, Chairman  
Planning and Zoning Commission Members  
Katie DeLuca, Director Planning and Zoning Dept.  
Patrick LaRow, Asst. Director Planning and Zoning Dept.

From: Greenwich Preservation Network

RE: 35/39/43/47 CHURCH STREET; 32/36/42 SHERWOOD PLACE; 1/2/3/4 PUTNAM COURT – Application Review for 192 unit, Section 8-30g residential development

Date: April 7, 2022

At their meeting on March 28, 2022, the members of the Greenwich Preservation Network of the Greenwich Historical Society discussed the pending application to develop 192 units of housing between Church Street and Sherwood Place under State Statute section 8-30g. The Preservation Network strongly opposes this application for the following reasons:

1. **Connecticut’s Environmental Protection Act includes historic structures and landmarks in its charge.** Connecticut General Statutes §§ 22a-15 to 22a-19 provides that the statute:
   
   shall be applicable to the unreasonable destruction of historic structures and landmarks of the state,
   
   which shall be those properties (1) listed or under consideration for listing as individual units on the National Register of Historic Places (16 USC 470a, as amended) or (2) which are a part of a district listed or under consideration for listing on said national register and which have been determined by the State Historic Preservation Review Board to contribute to the historic significance of such district.

2. **The project endangers an important Historic District.** The properties involved with this application are within the Fourth Ward National Register Historic District. Several of these structures are proposed to be demolished. The inventory that was written for the National Register designation shows that several of these to-be-demolished structures are contributing buildings and are unique to this district. This Fourth Ward reflects one of the earliest periods of settlement of lower- and middle-income residents in Greenwich. Demolition of key historic/architectural structures removes a great history of this part of the Town of Greenwich.

   It is important to note that on March 25, 2022 the CT. State Historic Preservation Council met and reviewed these 7 historic structures and found that these 7 structures are still currently “contributory” to the Fourth Ward and have not changed since 2000 when the National Register Historic District was created.

3. **Greenwich has six National Register Historic Districts; this application could set a dangerous precedent for them, including the remainder of the Fourth Ward.** The other local National Register Historic Districts are River Road; East Putnam Avenue from North Maple Avenue to Old Church Road; Greenwich Avenue; Municipal Design District (municipal buildings on Greenwich Avenue); and portions of Strickland Road. This application, if successful, could lead to possible future demolition and development in these other prime areas which could cause irreparable damage to preservation of these National Historic Register districts.

4. **This could also set a precedent for other Connecticut towns and cities, that their Historic Districts can**
be similarly violated. If this project is approved in its present format, it would send a message that there is no meaningful respect for history or historic districts or preservation. It is time to stand up for history and the preservation of the historic and cultural resources that share importance with natural resources to each community. If Greenwich capitulates, it could start a domino effect, not only in our town but elsewhere in Connecticut.

5. The Planning and Zoning Commission may consider preservation of historic properties or historic districts when applying Section 8-30g. Under Connecticut General Statutes Section 8-2(a), "Zoning regulations may be made with reasonable consideration for the protection of historic factors..."
While the statute 8-30g does not directly address the issue of historic properties or historic districts, it does empower zoning commissions to use their decisions "to protect substantial public interests in health, safety or other matters which the commission may legally consider." Historic preservation falls under "other matters which the Commission may legally consider under the Ct. Environmental Protection act. The Town needs and wants affordable housing but not at the cost of tearing down the historic structures/districts and the architectural fabric of our community

In fact the state statute section 8-30g does not address the issue of historic properties or historic districts which leaves an open door on this issue. State Statute Section 8-30g states as follows:
the decision is necessary to protect substantial Public interests in health, safety or other matters which the commission may legally consider. Such public interests clearly outweigh the need for affordable housing; and such public interests cannot be protected by reasonable changes to the affordable housing development. See citation below.

6. For more than a century, the Fourth Ward has been an area of diverse housing. Throughout its history the neighborhood has included single-, two- and three-family housing units. As such, it has been a model of diverse housing. The proposed plan seeks to remove lower and moderate-income houses and supplant them with a 192 unit seven-story residential building, a majority (70%) of whose units will be very expensive and not affordable.

7. The Advisory Council on Historic Preservation addressed affordable housing and historic preservation in a brochure which highlights the following: see attached
A) Rehabilitating historic properties to provide affordable housing is a sound historic preservation strategy.
B) Federal agencies and State and local government entities assuming HUD's environmental review requirements are responsible for ensuring compliance with Section 106
C) Review of effects in historic districts should focus on exterior features.
D) Consultation should consider the overall preservation goals of the community
E) Plans and specifications should adhere to the Secretary's Standards when possible and practical
F) Section 106 consultation should emphasize consensus building
G) ACHP encourages streamlining the Section 106 process to respond to local conditions
H) The need for archeological investigations should be avoided.

8. The application should be sent to the Historic District Commission for review and comment. It is our understanding that this application has not been reviewed by the Historic District Commission regarding the proposed demolition of the unique and contributing historic structures of the Fourth Ward.

9. The petitions (by mail and on line) now have over 2,200 signatures in opposition to the demolition of these historic structures in the Fourth Ward. These signatories include property owners within the Fourth Ward as well as Greenwich residents and property owners. See attachments.

We ask the Planning and Zoning commission to deny this application and preserve the 7 contributory historic buildings within the Fourth Ward National Historic District.
Very truly yours,

Diane W. Fox, AICP
Chairman, Greenwich Preservation Network

Enclosures: National Advisory Council on Historic Preservation; Petitions from those opposed to the demolition of Historic structures in Fourth Ward.

(CITATION: State Statue Section: 8-30 (g) Upon an appeal taken under subsection (f) of this section, the burden shall be on the commission to prove, based upon the evidence in the record compiled before such commission, that the decision from which such appeal is taken and the reasons cited for such decision are supported by sufficient evidence in the record. The commission shall also have the burden to prove, based upon the evidence in the record compiled before such commission, that (1) (A) the decision is necessary to protect substantial public interests in health, safety or other matters which the commission may legally consider; (B) such public interests clearly outweigh the need for affordable housing; and (C) such public interests cannot be protected by reasonable changes to the affordable housing development).

The Greenwich Preservation Network is a coalition of the leadership of the town’s public and private organizations and businesses formed to educate the public about and to advocate for the protection and preservation of significant historic resources in the Town of Greenwich.
National policy encompasses both preserving historic resources and providing affordable housing. The National Historic Preservation Act (NHPA) of 1966, as amended, directs the Federal government to foster conditions under which modern society and prehistoric and historic resources can exist in productive harmony and “fulfill the social, economic, and other requirements of present and future generations.” Similarly, affordable housing legislation like the Cranston-Gonzalez Act of 1990, which aims to “expand the supply of decent, safe, sanitary, and affordable housing,” anticipates historic preservation as a tool for meeting its goals. Actively seeking ways to reconcile historic preservation goals with the special economic and social needs associated with affordable housing is critical in addressing one of the nation’s most pressing challenges.

In issuing this policy statement, the ACHP, consistent with Section 202 of the NHPA, offers a flexible approach for affordable housing projects involving historic properties. Section 106 of the National Historic Preservation Act (Section 106) requires Federal agencies to take into account the effects of their actions on historic properties and afford the ACHP a reasonable opportunity to comment. This policy provides a framework for meeting these requirements for affordable housing.

Federal tax incentives provide opportunities for historic preservation and affordable housing to work together, including the Low-Income Housing Tax Credit and the Historic Rehabilitation Tax Credit. Projects taking advantage of the Historic Rehabilitation Tax Credit must be reviewed
by the National Park Service (NPS) for adherence to the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Secretary’s Standards) in a separate and distinct process. Review of these projects is more comprehensive than Section 106 review and necessitates early coordination with NPS and the State Historic Preservation Officer (SHPO) since work must adhere to the Secretary's Standards to obtain the tax credit. Nonetheless, coordination with Section 106 consultation and these reviews frequently occurs.

In an effort to better focus Section 106 reviews for affordable housing, the ACHP encourages Federal and State agencies, SHPOs, Tribal Historic Preservation Officers (THPOs), local governments, housing providers, and other consulting parties to use the following principles in Section 106 consultation.
Providing affordable housing is a growing national need that continues to challenge housing providers and preservationists.

Historic buildings provide affordable housing to many American families. Affordable housing rehabilitation can contribute to the ongoing vitality of historic neighborhoods as well as of the businesses and institutions that serve them. Rehabilitation can be an important historic preservation strategy. Federal agencies that help America meet its need for safe, decent, and affordable housing, most notably the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture's (USDA's) Rural Development agency, often work with or near historic properties.

The ACHP considers affordable housing for the purposes of this policy to be Federally-subsidized, single- and multifamily housing for individuals and families that make less than 80% of the area median income. It includes, but is not limited to, Federal assistance for new construction, rehabilitation, mortgage insurance, and loan guarantees.
IMPLEMENTATION PRINCIPLES

I. Rehabilitating historic properties to provide affordable housing is a sound historic preservation strategy.

II. Federal agencies and State and local government entities assuming HUD's environmental review requirements are responsible for ensuring compliance with Section 106.

III. Review of effects in historic districts should focus on exterior features.

IV. Consultation should consider the overall preservation goals of the community.

V. Plans and specifications should adhere to the Secretary's Standards when possible and practical.

VI. Section 106 consultation should emphasize consensus building.

VII. The ACHP encourages streamlining the Section 106 process to respond to local conditions.

VIII. The need for archeological investigations should be avoided.
Rehabilitating historic properties to provide affordable housing is a sound historic preservation strategy. Continued investment in historic buildings through rehabilitation and repair for affordable housing purposes and stabilization of historic districts through the construction of infill housing should be recognized as contributing to the broad historic preservation goals of neighborhood revitalization and retention.

Federal agencies and State and local government entities assuming HUD’s environmental review requirements are responsible for ensuring compliance with Section 106. Federal agencies, notably USDA Rural Development and HUD, provide important funding for affordable housing. These Federal agencies, and funding recipients assuming HUD’s environmental review requirements, must comply with Section 106. SHPOs, THPOs, and local historic preservation commissions provide expert opinions and advice during consultation. Consultation should be concluded and outcomes recorded prior to the expenditure of funds.

Review of effects in historic districts should focus on exterior features. Section 106 review of effects focuses on the characteristics that qualify a property for listing in the National Register of Historic Places. The significance of historic districts is typically associated with exterior features. Accordingly, unless a building is listed or considered eligible for listing in the National Register as an individual property or specific interior elements contribute to maintaining a district’s character, review under Section
106 should focus on proposed changes to the exterior. In all cases, identifying the features that qualify a property for inclusion in the National Register defines the scope of Section 106 review.

IV. Consultation should consider the overall preservation goals of the community. When assessing, and negotiating the resolution of, the effects of affordable housing projects on historic properties, consultation should focus not simply on individual buildings but on the historic preservation goals of the broader neighborhood or community. If the affected historic property is a historic district, the agency official should assess effects on the historic district as a whole. Proposals to demolish historic properties for new replacement housing should be based on background documentation that addresses the broader context of the historic district and evaluates the economic and structural feasibility of rehabilitation that advances affordable housing.

V. Plans and specifications should adhere to the Secretary's Standards when possible and practical. The Secretary's Standards outline a consistent national approach to the treatment of historic properties that can be applied flexibly in a way that relates to local character and needs. Plans and specifications for rehabilitation, new construction, and abatement of hazardous conditions in affordable housing projects associated with historic properties should adhere to the recommended approaches in the Secretary's Standards when possible and practical.
Projects taking advantage of the Historic Rehabilitation Tax Credit must be reviewed by the National Park Service for adherence to the Secretary's Standards in a separate and distinct process that benefits from early coordination. The ACHP recognizes that there are instances when the Secretary's Standards cannot be followed and that Section 106 allows for the negotiation of other outcomes.

**VI. Section 106 consultation should emphasize consensus building.** Section 106 review strives to build consensus with affected communities in all phases of the process. Consultation with affected communities should be on a scale appropriate to that of the undertaking. Various stakeholders, including community members and neighborhood residents, should be included in the Section 106 review process as consulting parties so that the full range of issues can be addressed in developing a balance between historic preservation and affordable housing goals.

**VII. The ACHP encourages streamlining the Section 106 process to respond to local conditions.** The ACHP encourages participants to seek innovative and practical ways to streamline the Section 106 process that respond to unique local conditions related to the delivery of affordable housing. Programmatic Agreements often delegate the Section 106 review role of the SHPO to local governments, particularly where local preservation ordinances exist and/or where qualified preservation professionals are employed to improve the efficiency of historic preservation reviews. Such agreements may also target the Section 106 review process to local circumstances
that warrant the creation of exempt categories for routine activities, the adoption of “treatment and design protocols” for rehabilitation and new infill construction, and the development of design guidelines tailored to a specific historic district and/or neighborhood.

**VIII.** The need for archeological investigations should be avoided. Archaeological investigations should be avoided for affordable housing projects limited to rehabilitation and requiring minimal ground disturbance.
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Hello,

I would like to express opposition to the planned development on Church Street. I have friends and family who live on that street so I frequent it often. As a mother with two children already I am struck with how narrow the street is and how difficult it is to find parking and to ensure safe crossing. I am regularly forced to park across the street and hold both my children’s hand and just hope for the best as we cross the street since we are frequently blocked by vehicles parked along the street.

I sincerely believe that an additional development on the street would not only destroy the fabric of the community but would also lead to many more hazards for pedestrians and drivers alike.

Sincerely,

Katherine Ortiz

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Dear Katie and Margarita,

My wife, Ellen, and I are writing to you in regards to the upcoming P&Z meeting scheduled for April 12th which will address the application for the development of the Church Street Sherwood Place project. I am also speaking on behalf of the residents of Victoria Commons Condominium Association for which I serve as its president. We are located at 77-81-85 Sherwood Place (the end of Sherwood past Williams Street).

I plan on attending the zoom call on April 12. But before I outline our concerns, I had a fundamental question which I hope may be addressed at the start of the meeting. Recognizing that Regulation 8-30g overrides local planning and zoning oversight except in those circumstances where public safety and welfare are jeopardized, how is that measured to an extent that it would influence or block a development such as Church Street. How is that standard defined? This seems somewhat qualitative and since it is the only avenue that seems open to block these developers, I think it would be useful to know where that line is drawn.

As I wrote to you back in November of 2021 when the preliminary application was presented to the P&Z, we are very much opposed to this project based on many factors, but especially from a public safety and welfare position. While we’ve lobbied aggressively for amending the regulation through our state representatives, I fear this may not get through committee. However, and as I stated back in the fall, a project of this size and proportion would present clear risk to the public and the welfare of the residents in and around District 7.

The traffic alone has increased just in these last few years due to covid and people moving out of the city to Greenwich. Our few blocks are already very narrow, and an increase in this amount of cars would be insurmountable and would require a full redesign of the traffic flows on both Church and Sherwood. Since the project’s initial plan is to build a garage that would accommodate 1.5 cars per unit, it is very conceivable that many unit residents would have 2 or more cars. That would mean an increase in the amount of parking on the street which is already strained.

This neighborhood houses many school teachers who, for the most part, are younger families with small children. One of the pleasant aspects of this neighborhood is its proximity to downtown, and as such, many residents choose to walk up and down our streets. Clearly an increase of this magnitude would present an increasing risk to these pedestrians.

Our infrastructure is aging and, while I recognize there are projects at work to replace much of the sewer and water lines on Putnam Avenue, the side streets still are working with an older system. Again, an increase of this many residents in this high rise would strain an already aging system.
Please, please stop this development as it would seriously alter the quality of life in this historic neighborhood of our town.

Thanks
Mike & Ellen Hynes
81C Sherwood Place
(203) 561-4787

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Vargas, Madeline

From: DeLuca, Katie
Sent: Monday, April 4, 2022 10:00 AM
To: Arn Welles; Barolak, Bob; Peter Levy; Vargas, Madeline; Alban, Margarita; Levy, Peter; Lowe, Peter S.; Macri, Nick; Welles, Arn; Yeskey, Dennis
Subject: Fw: I'm Opposed to Development on Church Street and Other Proposed Projects Around Town

From: Bowgen, Roxana <roxana.bowgen@sothebys.realty>
Sent: Monday, April 4, 2022 9:36 AM
To: Alban, Margarita <Margarita.Alban@greenwichct.org>
Cc: DeLuca, Katie <Katie.DeLuca@greenwichct.org>
Subject: I'm Opposed to Development on Church Street and Other Proposed Projects Around Town

[EXTERNAL]
This, and several of the other proposed developments around town would change the nature of our historical town.

Furthermore, our infrastructure cannot handle this much housing, e.g. water drainage, runoff, parking, etc.

What about traffic? During rush and school hours, since thousands of new residents have moved to Greenwich as a result of the pandemic, the roads are backed up, especially on the Post Road and Indian Field. It's become a nightmare to get across town at these and other times of the day. Can you imagine what more units will mean to this already congested traffic situation?

With each new family, there tends to be more than one car! What about car emissions? Do you remember how clean and clear the air was during lockdown? Animals came out that we normally don't see. Why? No cars around.

All this development also means cutting down more trees and destroying the homes of native animals. We keep this up and we will look like the Bronx or Newark NJ!

I take offense at the group Desegregate CT who are disguising themselves as altruistic but are really in it for the profit. Furthermore, I understand that they're not even registered as a non-profit. These are just greedy developers who under the guise of "affordable housing" are only after profit.

I want to go on record against this development, the one on the Post Road and Brookridge and the other proposed sites in our town. Let's stop this madness!

---

Roxana Bowgen, Broker
Global Advisor, e-PRO® - NAR Pricing Expert Certified

Sotheby's International Realty
1 Pickwick Plaza- Greenwich CT 06830
*Wire Fraud is Real*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions. Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

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