



8/28/2020

Ms. Mary Tomasi
Colchester Historical Society
PO Box 13
Colchester, CT 06415

Re: Cogshell-Robinson House
43 Broadway Street
Colchester, CT

Dear Ms. Tomasi:

As you know, the Cogshell-Robinson House was demolished by its owner, Jamie Noel, in the early morning of August 22, 2020. The State Historic Preservation Office (SHPO) could not be more shocked by this action. Our office had been working with Preservation Connecticut (PCT), the Colchester Historical Society and Mr. Noel to try to save this building since the Society first brought it to our attention in April 2019. At the time, you demonstrated to us local support with a petition of over 300 signatures opposing demolition of the structure and supporting efforts to save it.

In May 2019, SHPO contacted Mr. Noel to inform him of the Connecticut Environmental Protection Act (CEPA) process. SHPO, with your support, requested that Mr. Noel not further dismantle nor demolish the Cogshell-Robinson House until the September 2019 Historic Preservation Council (HPC) meeting and to grant PCT access to the structure to determine prudent and feasible alternatives.

Mr. Noel confirmed that he would not further dismantle nor demolish the house and would allow the PCT team access. At the same time, the Colchester Historical Society offered to pay to secure missing windows from the elements, to which Mr. Noel agreed. Mr. Noel attended and participated in our September 4, 2019 HPC meeting meant to determine whether the proposed destruction was reasonable in light of the associated facts and circumstances and to review expert support in exploring alternatives to demolition, including the potential for state and federal assistance. At that time, Mr. Noel

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agreed not to harm the building until at least May 2020, and to try to find an alternative to demolition. In the winter of 2019, PCT found a developer, Dimeo Properties Inc., willing to retain the structure in conjunction with building a number of residential units in an adjacent lot.

In May 2020, Mr. Noel signed an extension to the September 2019 agreement not to harm the structure until the August 6, 2020 HPC meeting and was working in good faith to reach a purchase agreement with Dimeo Properties. Sometime in 2020, Mr. Noel met another developer who preferred to demo 43 Broadway as part of their plan for the site. Both plans would need Federal Low-Income Housing Tax Credits (LIHTC) to be economically viable, and neither would be able to submit a complete application to the Connecticut Department of Housing (CTDOH) before the current application deadline of November 2020. Therefore, neither project that utilized this funding would be able to submit an application until the next round of funding, November 2021. SHPO staff informed Mr. Noel that it did not matter who developed the property, so long as the historic home remained. Mr. Noel told Todd Levine, staff assigned to this issue, not to worry, and that any plan for the site would include keeping the building. However, also during this conversation, Mr. Noel told Mr. Levine he wanted a purchase option from either developer or he would demolish the structure, as he was getting impatient and was unwilling to wait until the next funding round (November 2021) without securing a guaranteed purchase option.

Mr. Levine informed Mr. Noel that if he wanted to pursue demolition, he would need to attend an HPC meeting, explain his efforts over the last year, and allow them to vote to bring the issue to the attention of the Attorney General's office. Mr. Noel responded that if he could not secure an option from either developer, he would return to the HPC. This conversation occurred on August 5, 2020 and was the last contact with our office prior to demolition. On August 6, 2020 the extension of the agreement expired. Mr. Noel had been working with us in good faith up to this point to find a solution that was acceptable to both HPC and his investment, and we believed that he would continue to do so.

Mr. Noel demolished the Cogshell-Robinson House on August 22, 2020. However, his rash decision may have consequences; any attempt to use LIHTC requires review under Section 106 of the National Historic Preservation Act, which determines effects to historic resources by a proposed undertaking. The demolition of a historic resource is considered an "adverse effect," and must be avoided, minimized, or mitigated before a proposed project can proceed. By demolishing a known historic resource prior to the proposed undertaking, Mr. Noel wittingly or unwittingly engaged in anticipatory demolition.

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As such, any potential new construction on the site would be subject to 54 US Code 306113, **Anticipatory Demolition**, which states that, “Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of section 306108 [Effect of Undertaking on Historic Property] of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the Council [Advisory Council on Historic Preservation], determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.”

SHPO will be reaching out to both the CTDOH and the US Department of Housing and Urban Development to inform them of the events proceeding and up to the demolition of 43 Broadway.

The Colchester Historical Society acted in an exemplary manner to try to save the Cogshell-Robinson House. You brought the matter to the attention of SHPO, organized the community in support for preservation, funded work to keep the structure sound and weather-tight, and maintained communication, requesting regular updates on the development. This office is thankful to you for your efforts and is greatly disappointed in the turn of events that lead to the sudden loss of such an important historic resource.

Sincerely,

A handwritten signature in red ink that reads "Elizabeth Shapiro".

Elizabeth Shapiro
Director of Arts, SHPO and Museums
Department of Community Development, State of Connecticut

Cc:

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