



WEST HARTFORD HISTORIC DISTRICT COMMISSION
Town Hall - Room 400
Wednesday, 18th June, 2025 at 7:30 p.m.
Special Meeting - Minutes

Commissioners Present: Mitchell Lewis, Chair/Secretary; Kevin Flood, Vice-Chair;
Aileen Bastos, Member; Robert Garrey, Member and Matt Schreck, Alternate.
Absent: Sherri Schwartz, Member, Brian Clemow, Alternate and Karl Fransson, Alternate.

Chair Lewis called the West Hartford Historic District Commission (“WHHDC”) to order at 7:32 p.m., then introduced the Board Commissioners to those in attendance and gave a brief description of the WHHDC’s meeting agenda and procedures.

The Chair moves to adopt special rules of order for tonight’s session.

Chair resolves to adopt the following special rules of order:

- * The public are invited to speak after the presentation and to limit their remarks to 3 minutes
- * The public is asked to confine their remarks to the pending question
- * The public can speak twice but only after everyone who wishes to speak has had a chance
- * Guests and the public are to refrain from attacking any member, speakers or their motives
- * The public are to address all remarks to the Chair, and lastly,
- * The public wishing to speak will indicate by a show of hands.

PUBLIC HEARING

Chair Lewis introduced the Chu Certificate of Appropriateness Application (“COA”).

Commissioner Lewis moved to open discussion on the Chu COA and was seconded.

Mark Chu Jr Team, 136-152 Raymond Road, COA proposal for a development plan to build a new: 1 Duplex and 5 Carriage Houses with 2 detached three car garages with extended driveways and new parking all located on-site.

The Team comprise: Jack Kemper, Principal with Kemper Associates Architects, LLC; Mr. David Markowitz Attorney at Law with Hassett & George, P.C., and Drew Kearns, Planning Consultant.

Mr. David Markowitz began by sharing that members of the Team met on May 12th with Brian Pudlik Senior Planner and Todd Dumais Town Planner to discuss their plans and that from that meeting it was understood that any new structures to the rear should be clearly visible from the street. Additionally, Mr. Markowitz shared that he believes the WHHDC should consider the Connecticut General Statutes Sec. 7-147 as concerns these matters, specifically:

7-147a “appropriate” means not incongruous with those aspects of the historic district which the historic district commission determines to be historically or architecturally significant and,

7-147f In passing upon appropriateness as to exterior architectural features the commission shall also consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, scale, general design, arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of other buildings and structures in the immediate neighborhood.

Additionally, Mr. Markowitz cited two cases he believes are instructive in this COA:

i) Figarsky v. Historic District Commission of City of Norwich, 368 A.2d 163 (Conn. 1976).

A case where the court found that the Historic District Commission acted appropriately in considering the application and rendered a valid judgement. The court found the Commission had exercised it’s lawful, reasonable and honest judgement in applying an ordinance that the court found was not unconstitutionally vague. The case confirmed that historic district regulations need to be fairly and consistently applied.

ii) Felician Sisters of St. Francis of Connecticut, Inc. v Historic District Commission of the Town of Enfield, 937 A.2d39 (Conn. 2008) A case that confirmed that the Historic District Commissions have legitimate regulatory authority, but that (1) the authority must be exercised fairly and consistently in the review of all applications, and (2) the deliberations and determinations of the Historic District Commission must be a matter of public record.

Mr. Markowitz also shared an updated handout by Patrick Pinnell, with an updated perspective on the 136-152 Raymond Road development plan proposal which was entered into the record.

Jack Kemper, shared mostly the same plans as was presented at the May 28th meeting: a two family Duplex with separate front entries directly along Raymond Road, and towards the lot rear and parallel along Trout Brook five Carriage Houses to be approximately 1500 sq ft a piece and are to have side terraces. Each carriage house appears aligned behind an existing street direct house as if related. Detached three car garages bookend the plan to either side north and south. All the proposed structures are to be constructed of natural wood or metal materials which were in common use during the original construction of the BRRHD neighborhood. The windows are to be of clad wooded aluminum with simulated divided light. The roofing shingles are to be of asphalt in an architectural style. The parking area comprises individual lots for each house and carriage serviced by extending existing individual driveways. The parking areas are of a permeable lattice that allows grass and drainage and the plan is for trees to be planted to separate the parking areas.

After Jack Kemper’s presentation, the public was invited to remark.

Mrs. Tracy Neumann appreciated the design but remarked that the development looks to be out of scale and character with the neighborhood and not written by someone who is preservation minded.

Mr. James McKeown mentioned that the properties all look very nice.

Mr. Markowitz, then made the following requests of the WHHDC regarding the COA development project plan proposal feeling that both elements did not require WHHDC COA approval:

- i) Determine that no COA was necessary for the parking because the parking is not visible from the street and for the fact that the proposed solution is to be of turf, and,
- ii) Determine that no COA was necessary for all the non-direct street facing development since it was all covered under the rear yard exemption provision of the WHHDC Handbook (WHHDC Handbook, Part One, Section 3, A., pg. 5).

Chair Lewis remarked that the WHHDC's considerations on the Chu COA development proposal should include and be based in part on the following suggestions contained in the additions and new construction section of the Handbook for Historic District Commissions and Historic Property Commissions in Connecticut 2010 (page 104).

“Additions and New Construction

Any proposed new construction within the LHD or LHP that will be visible from a public way, including additions to existing buildings and new development on vacant or subdivided lots, requires a certificate of appropriateness. The enabling statute does not require the use of historical techniques or materials, nor does it require adherence to a particular architectural period or style. The proposed structure simply needs to be sited and designed in a way that is “not incongruous” with the character of the district.

For new construction, HDCs and HPCs should consider the size, scale, proportion, and massing of the building as well as the compatibility of form and materials.

In most LHDs or LHPs, the buildings already represent a range of styles and periods. Preserving the rhythm of a particular streetscape with a new building that has the same height, setback, and scale as its neighbors may be more important than the specific exterior materials.”

Chair Lewis shared that he understood the rear yard exemption included in the WHHDC Handbook to refer to residential detached accessory structures, as: play sets, an above ground pool, a gazebo, a pergola or an arbor and something about 200 sqft in area. The rear yard exemption was not intended for instances like this with the new construction of 7 new buildings (new homes and new multi-car garages) all to be in excess of 9000 sqft.

Additionally, Chair Lewis, adds that the following historic design guidelines are important to consider, in making determinations as to appropriateness, namely:

Characteristic Style

Appropriate new architecture will be harmonious with the characteristic style of its environs, but without making pretense to antiquity. Additions to existing structures should be stylistically compatible yet distinguishable from the characteristic style of the building. Excellence of new design that is compatible with the historic environs is encouraged.

Contextual Rhythm

Appropriate design shall understand and contribute to the characteristic rhythm of the streetscape.

Scale

New construction shall be compatible with the unifying contextual elements of scale but may be permitted individuality not incongruous with the rhythm established by the diversity of its environs.

Size

Appropriate new design will generally be consistent in size with its immediately adjacent buildings.

If adjacent buildings are dissimilar in size, appropriate size may be dictated by the size of buildings in the greater neighborhood, considering the rhythm of building size along a street or thoroughfare, along with the relative size of the lot. An appropriately sized structure shall facilitate the transition between existing dissimilarly sized buildings.

Orientation

Appropriate design within any village setting shall consider the street rhythm established by the consistent and/or varied aspects of the site orientations of the buildings that make up its environs.

RECESS

Chair Lewis moved to recess for five minutes and was seconded. The vote was unanimous in favor and the meeting recessed for several minutes.

Chair Lewis called the public hearing back to order.

Motion to continue the public hearing to June 25th was made and seconded. The vote was unanimous. The public hearing was continued to June 25th at 7:30pm in Town Hall Room 312, and will be followed immediately by a special meeting.

SPECIAL MEETING

Deliberation of Public Hearing Item:

Mark Chu Jr Team, 136-152 Raymond Road, COA proposal for a development plan to build a new: 1 Duplex and 5 Carriage Houses with 2 detached three car garages with extended driveways and new parking all located on-site.

The WHHDC agreed to continue the public hearing to June 25th and would be discussing the outstanding items of:

- i) Determine that no COA was necessary for the parking because the parking is not visible from the street and for the fact that the proposed solution is to be of turf, and,
- ii) Determine that no COA was necessary for all the non-direct street facing development since it was all covered under the rear and exemption provision of the WHHDC Handbook (WHHDC Handbook, Part One, Section 3, A., pg. 5).
- iii) Commissioners requested two samples be brought to the June 25th meeting: one of the window treatment and another of the pavers.

Executive Session

Chair Lewis moved to enter into Executive Session and was seconded.

The vote was unanimous in favor and the meeting entered into Executive Session at 9:30 p.m. for the purpose of discussing a legal memorandum.

Chair Lewis called the special meeting back to order.

Move to adjourn the special meeting was made at 9:35 p.m. by Mr. Garrey, and seconded. The motion carried unanimously.

The next meeting of the Historic District Commission will be held on Wednesday 25th June, 2025 in Town Hall room in Town Hall Room 312 at 7:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'M Lewis'.

Mitchell Lewis Historic District Commission Chair/Secretary

Encl.

Mr. Mark Chu, Jr. / markchujr@gmail.com

Mr. Jack Kemper / jkemper@kemperarch.com

Dear Sirs,

This is an update (6/18/2025) to the Report (5/28/2025) previously submitted, reflecting revisions to the design in materials and structures, though the overall strategy remains intact. It still reports on the design and spatial arrangement for new and renovated housing, and associated pedestrian and vehicular accommodations, for properties located at 136 through 152 Raymond Road, within the Boulevard-Raymond Road Historic District, and to judge its conformity with it. (The latter is described in The Handbook of the West Hartford Historic District Commission, revision of 3/28/16.) I'm happy to do so, as this grouping will certainly contribute positively to the character, appearance, and livability of that District.

Let me begin with a short preface to set the scene. There is a long history, interesting in its own right, of what's been esteemed as interestingly historical -- and it's changed and been augmented over time. Famous persons, then their houses; famous events, then their places; inventions and industries, then the neighborhoods they generated, and so on. There is now a national organization calling itself the Vernacular Architecture Forum, which foregrounds background buildings. The name is an oxymoron or, to be Latinate, it's a *contradictio in adjecto*. Today places can be esteemed enough — simply for being good urbanism with a representation of characteristic streets, blocks, building types, building intervals, and vegetation -- to be declared historic districts. The Boulevard - Raymond Road Historic District (B-RRHD) is precisely such a place, hence deserves to be valued and protected.

The Handbook links to a short history of the District. To add to that, the B-RRHD's area (once part of a large dairy farm) is defined by **four varieties of connection**. First, to the north there is the Town center of West Hartford, which straddles the very old east-west route now called Farmington Avenue, from Hartford out to the former countryside. Second, running east-west as well, is the District's spine, Boulevard, envisioned in 1896 as a link from Hartford to a new-style trolley car suburb, enabling workers to reach city jobs. The existing trolley on Farmington killed the new one, but the new houses were close enough to walk to it, so the new neighborhood worked as intended. Third, there is Trout Brook, running north-south, perpendicular to both Farmington and Boulevard. Farmington was originally the Brook crossing point, the ford, for cattle and humans alike, eventually bridged. Ecologically and perceptually, it's the entry to West Hartford center. Fourth and last, Raymond Road, parallel to Trout Brook, links all three of the other connections to form a complete system. This is, as it were, the Gameboard on which individual buildings are deployed.

Now, to speak to the itemized five points on qualities, relationships, and factors worth which The Handbook mentions (pp. 19-20). Please refer to the revised drawings accompanying this application. I'll cover Raymond Road itself, then the smaller structures proposed behind. For "Qualities of Building Form", four of the five houses are existing. The fifth, a new two-family home, can be read as two "unbalanced" houses

combined, hence relating both to the Raymond Road context as described and to its functional facts. For "Qualities of Facade", all dwellings are taller than broad, and there are indeed gables, front porches, and sun porches. Points three and four, "Relationships" to District and as well to Immediate Neighbors, everything conforms. Finally of the five points, "Environmental Factors" is the link to "Open Space" and to "Dependencies", in other words to Trout Brook, the Trail, and their green environs, and to the town homes and garages. Parking areas are now to be "stabilized turf", i.e. grass growing through below-grade mats. Building materials, except for asphalt shingles, will be natural. Revised drawings show, as before, long views from Raymond Road between and through the 136-152 properties to Trout Brook and the tree line. The five smaller rear buildings, massed perpendicular to Raymond, are domestic in character, three "carriage houses" and two garages, and have variations in detailing to afford visual variety. The new sixth rear building, newly proposed, is a 2-unit dwelling, tucked behind the wider two-family on Raymond Road.

Below is a revised graphic showing the 136-152 Raymond Road site plan inserted into a recent aerial photograph of the area, looking north over Boulevard up along Trout Brook towards the contiguous Center. It sums up visually the points in this Report concerning the conformity and reinforcing contribution this project will make to protecting and enhancing the Boulevard-Raymond Road Historic District. (5/28, revised 6/18/2025)

PLPFAIA



To: DJM
From: FAN
Date: 5/19/2025
RE: Whether the rear yard exemption releases Mark's obligation to receive a COA for the West Hartford Historic District Commission

Issue:

1. Whether the rear-yard exemption contained in the West Hartford Historic District Commission (WHHDC) handbook exempts Mark from the requirement that he receive a certificate of appropriateness before commencing construction in the rear yard(s) of his property(ies).

Short Answer:

1. I could not find any case law interpreting or addressing exemptions to COA requirements. However, it appears that, assuming Mark will only be adding separate detached units/improvements in the rear-yard of his properties, the exemption provided in the WHHDC Handbook exempts Mark from the COA requirement.

Analysis:

In Connecticut, the general rule is that a certificate of appropriateness (COA) is required for alterations to buildings or structures within historic districts or properties. However, based on the rear yard exemption contained in the West Hartford Historic Commission Handbook, there is a strong argument that building detached buildings in the rear yard does not require a COA, subject to certain limitations.

The Connecticut General Statutes typically require a COA for alterations to buildings within historic districts. *Gibbons v. Historic District Commission*, 285 Conn. 755, 762, 941 A.2d 917 (2008); *Borough of Fenwick Historic District Commission v. Sciame*, Docket No. CV106003531, 2012 Conn. Super. LEXIS 1951, at *3 (Super. Aug. 2, 2012). According to Conn. Gen. Stat. § 7-147d, no building or structure shall be altered within an historic district until a certificate of appropriateness has been approved by the historic district commission. *First Church of Christ v. Historic District Commission*, 46 Conn. Supp. 90, 93-94, 738 A.2d 224 (1998); *Rutherford v. Fairfield Historic District*, No. 25 58 74, 1990 Conn. Super. LEXIS 419, at *1 (Super. May 18, 1990). Furthermore, Conn. Gen. Stat. § 7-147f provides that the commission shall consider various factors in determining appropriateness, including the historical and architectural value, style, and features of the structures involved.

However, the "Rear Yard Exemption" provision in the WHHDC Handbook creates an exception to this general rule. This exemption explicitly states that:

Rear Yard Exemption: A COA shall not be required for any change occurring in the rear yard, even though visible from the street, except for:

1. **Exterior alterations** and enclosed or **roof covered additions to the main building**,
2. Alterations to the doors and/or front wall of the garage, and
3. Fences.

(Emphasis added.) (Handbook of the West Hartford Historic District Commission, Part One, Section 3, p. 5). The construction of detached buildings in the rear yard is not listed among these exceptions.

Notably, the construction of new detached buildings in the rear yard is omitted in these exceptions. This omission suggests that such construction is intended to fall under the general exemption for rear yard changes, and therefore a COA is not required. Principles of statutory construction employed by Connecticut Courts are helpful:

When construing a statute, [o]ur fundamental objective is to ascertain and give effect to the apparent intent of the legislature. . . . In seeking to determine that meaning, General Statutes § 1-2z directs us **first to consider the text of the statute itself** and its relationship to other statutes. If, after examining such text and considering such relationship, **the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered.** . . . The test to determine ambiguity is whether the statute, when read in context, is susceptible to more than one reasonable interpretation. . . . When a statute is not plain and unambiguous, we also look for interpretive guidance to the legislative history and circumstances surrounding its enactment, to the legislative policy it was designed to implement, and to its relationship to existing legislation and common law principles governing the same general subject matter. . .

Commissioner of Emergency Services & Public Protection v. Freedom of Information Commission, 330 Conn. 372, 380, 194 A.3d 759 (2018). Here, the language is clear on its face—a COA is not required for any changes occurring in the rear yard, except for exterior alterations to the main building, and enclosed or roof covered additions to the main building.¹ To interpret this exemption to not include detached improvements, would swallow the exemption in the first place. If the exemption was interpreted that way, then the exemption wouldn't apply to any improvements made in any rear yards in the historic district.

It is important to distinguish between alterations to existing structures and the construction of new detached buildings. The first exception in the rear yard exemption refers to "alterations and enclosed or roof covered additions to the main building." This language specifically addresses changes to the primary structure on the property, not the construction of separate, detached buildings.

Furthermore, Connecticut law recognizes a distinction between alterations and new

¹ I don't believe Mark is altering any garages, or fences, so I have not addressed those provisions of the exemption.

construction. For instance, in the context of zoning regulations, alteration is commonly defined as a modification or change to an existing structure, while a new building would be considered a separate construction. Munroe v. Zoning Board of Appeals, 75 Conn. App. 796, 807-08, 818 A.2d 72 (2003).²

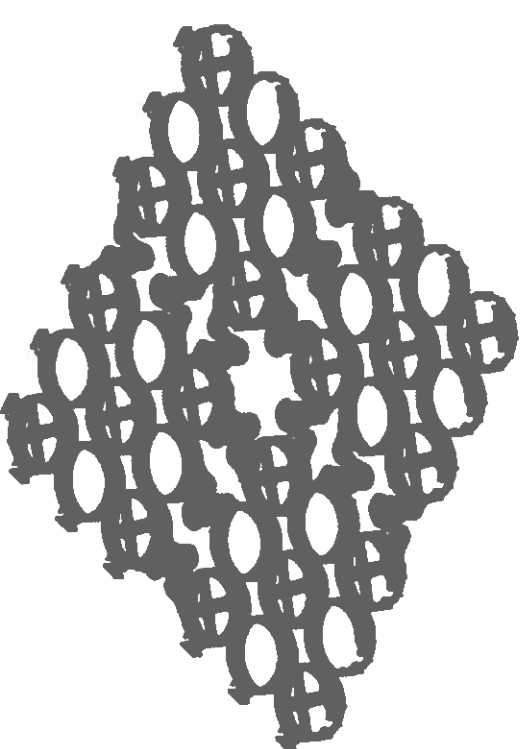
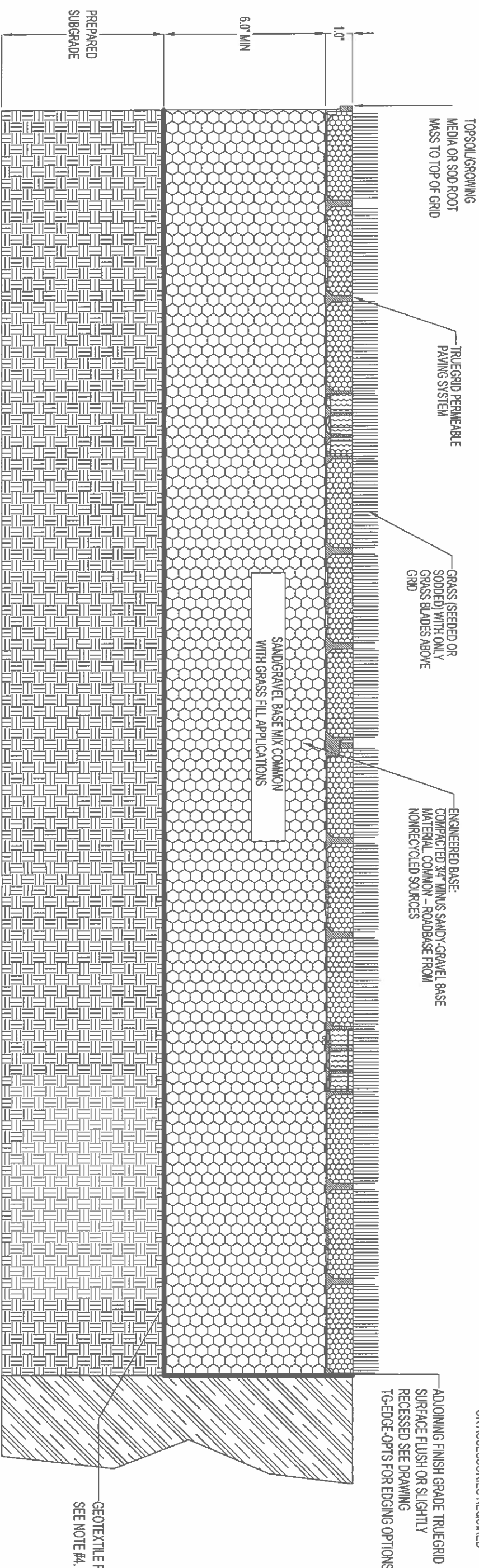
While the historic district commission generally has broad authority to regulate changes within historic districts, its decisions must not be arbitrary or illegal. Interpreting the rear yard exemption to allow the construction of detached buildings without a COA, unless specifically prohibited elsewhere in the regulations, would be consistent with the plain language of the exemption and would not be an arbitrary or illegal interpretation.

In conclusion, based on the “Rear Yard Exemption” language and the general principles of historic district regulation in Connecticut, there is a strong argument that building detached buildings in the rear yard does not require a certificate of appropriateness. The exemption clearly states that changes in the rear yard do not require a COA, and the construction of detached buildings is not listed among the specific exceptions to this exemption. However, it is important to note that this interpretation is based solely on the provided facts that Mark is not altering the buildings currently on his property, but is trying to add additional structures in the rear lot(s).

² The Court there stated, “[a]n alteration is commonly defined as a modification or change. A building or structure is a ‘constructed edifice designed to stand more or less permanently, covering a space of land, [usually] covered by a roof and more or less completely enclosed by walls’ and serving a particular purpose. (Internal quotation marks omitted.) Id. The garage in this case fits the definition of a building. It may also be termed a structure. See *Hendryx Co. v. New Haven*, 104 Conn. 632, 639-40, 134 A. 77 (1926) (one definition of structure is something constructed or built). A structural alteration exists if a building would be changed into a different structure. See *Guilford v. Landon*, 146 Conn. 178, 183, 148 A.2d 551 (1959). We conclude that the addition of a second story is a structural alteration because the addition would convert the garage into a substantially different building. See *Marris v. Cedarburg*, 176 Wis. 2d 14, 38, 498 N.W.2d 842 (1993).”

NOTES:

1. BASE DEPTH AND PREPARATION IS DEPENDENT ON SITE CONDITIONS PLUS LOADING REQUIREMENTS.
2. SEEDING METHOD: FILL SOIL/GROWING MEDIA TO TOP OF GRID. APPLY SEEDING OR HYDROSEEDING PER MANUFACTURERS' (BY OTHERS) REQUIRED APPLICATION RATES.
3. SOD INSTALLATION METHOD: USE 1" SOD (ROOT/SOIL DEPTH) WITHIN TRUEGRID AND PRESS IN SOD SO THAT TOP OF GRID IS AT SOIL/ROOT LEVEL AND ONLY THE GRASS BLADES EXTEND ABOVE THE GRID.
4. GEOTEXTILE FABRIC RECOMMENDED AND MAY BE REQUIRED BETWEEN SUB-GRADE & BASE FOR CERTAIN SOILS AND SITE SPECIFIC REQUIREMENTS. FOR CERTAIN SOILS AND SITE SPECIFIC REQUIREMENTS.
5. NO STAKING NECESSARY WITH TRUEGRID PRO LITE WHEN SLOPE IS BELOW 3 DEGREES. ASSESS PROJECT, AS NEEDED.
6. TRUEGRID PRO LITE IS ADA COMPLIANT WITH PROPER FILL MATERIAL.
7. ALTERNATIVE ENGINEERED BASE MIXES CAN BE USED PROVIDED THEY PROMOTE GRASS GROWTH, HAVE ADEQUATE VOID SPACE FOR DRAINAGE, AND PROVIDE REQUIRED STRUCTURAL SUPPORT.
8. THIS CROSS SECTION IS FOR INFORMATION ONLY.



TRUEGRID BLOCK REFERENCE VIEW

PREASSEMBLED & DELIVERED
IN 4' X 4' SHEET. RECONFIGURED
AS NEEDED. NO EXTRA TOOLING
OR ACCESSORIES REQUIRED

ADJOINING FINISH GRADE TRUEGRID
SURFACE FLUSH OR SLIGHTLY
RECESSED SEE DRAWING
TG-EDGE-OPTS FOR EDGING OPTIONS

GEOTEXTILE FABRIC.
SEE NOTE #4.

TYPICAL RESIDENTIAL VEHICLE GRASS FILL PRO LITE

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DRAWING SCALE: 1/4\"/>



TRUEGRID PRO LITE
GRASS FILL
TYPICAL RESIDENTIAL VEHICLE

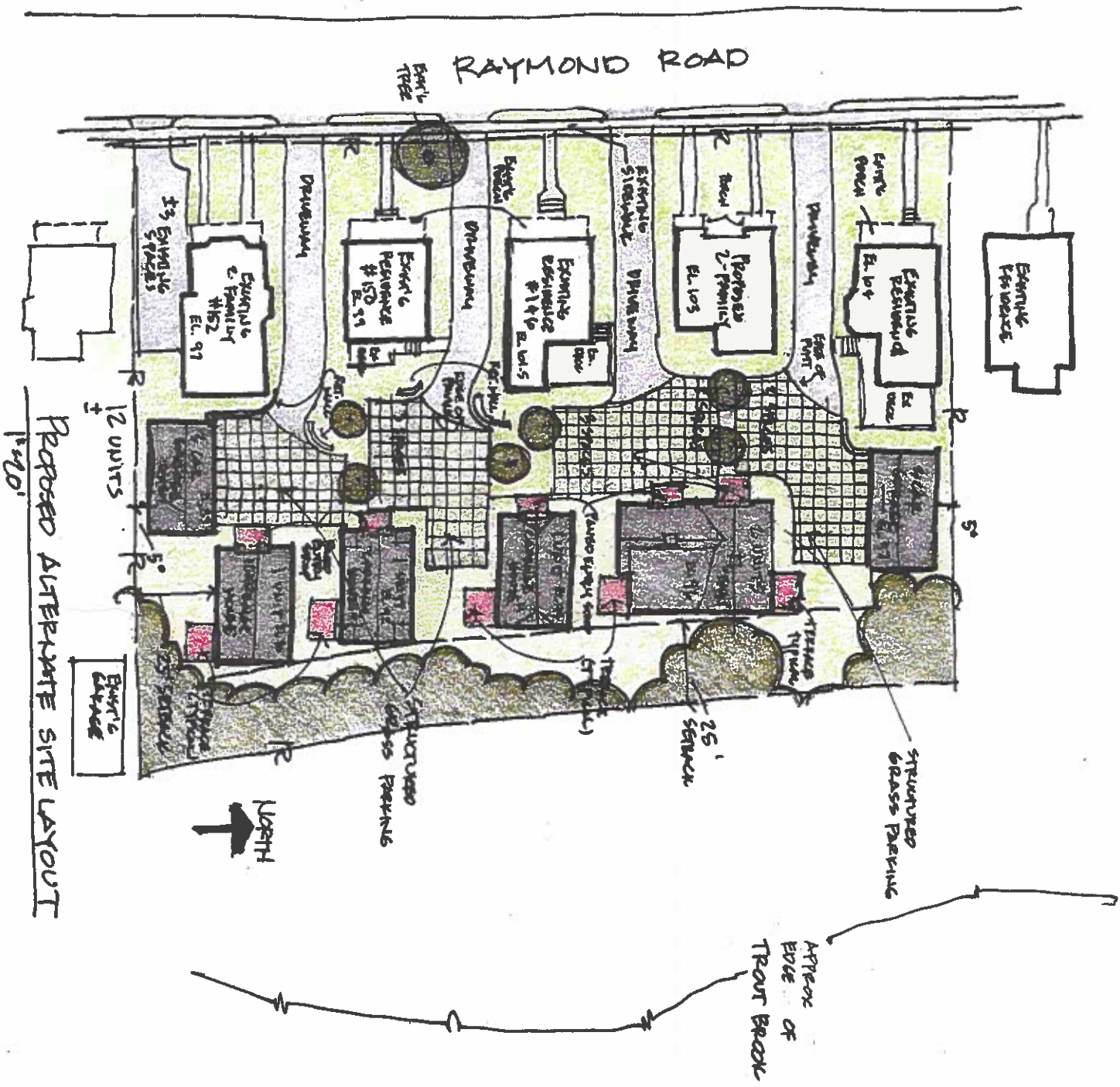
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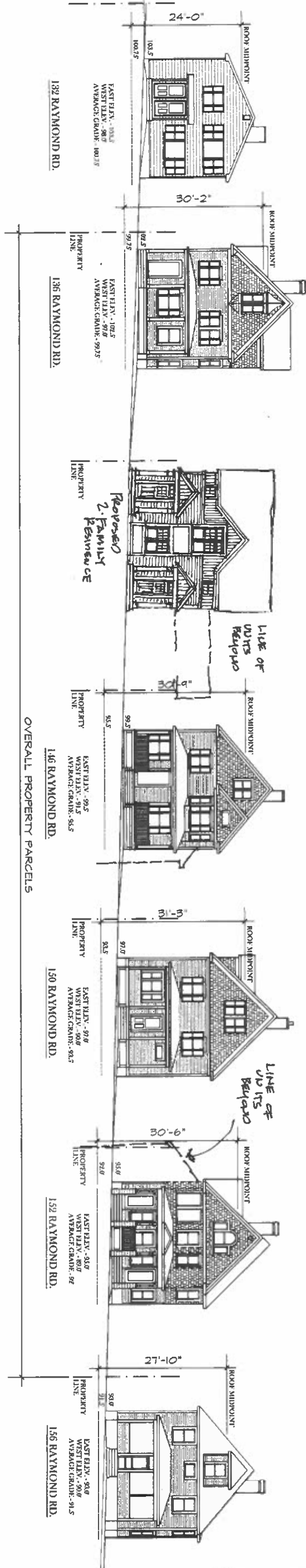
DRIVEWAYS
RV PADS
OVERFLOW PARKING

REV 02 UPDATED NOTES, FLAG NOTES, AND DRAWING

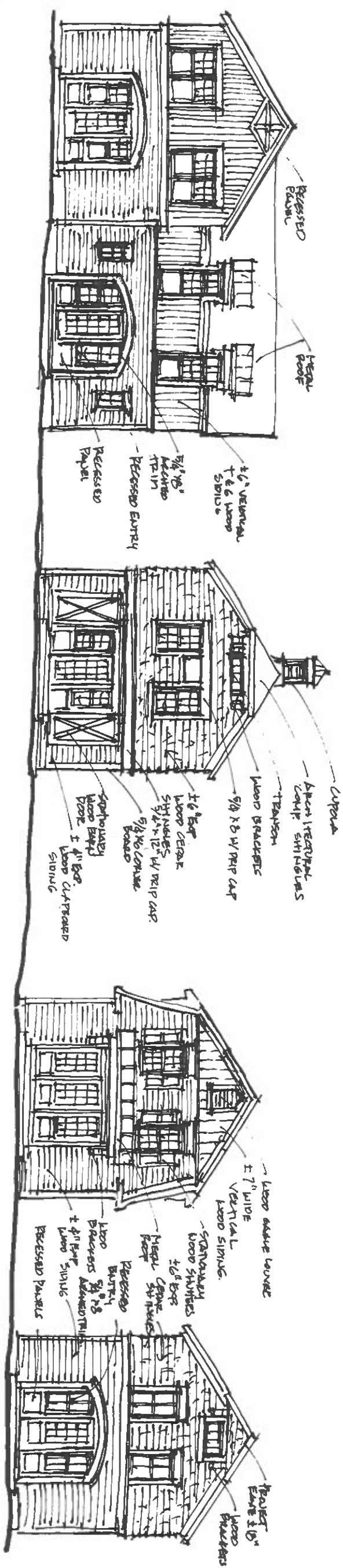
DESIGNER'S TECHNOLOGIES
DRAWN
CHECKED
APPROVED
DATE 11/12/2024

SECTION



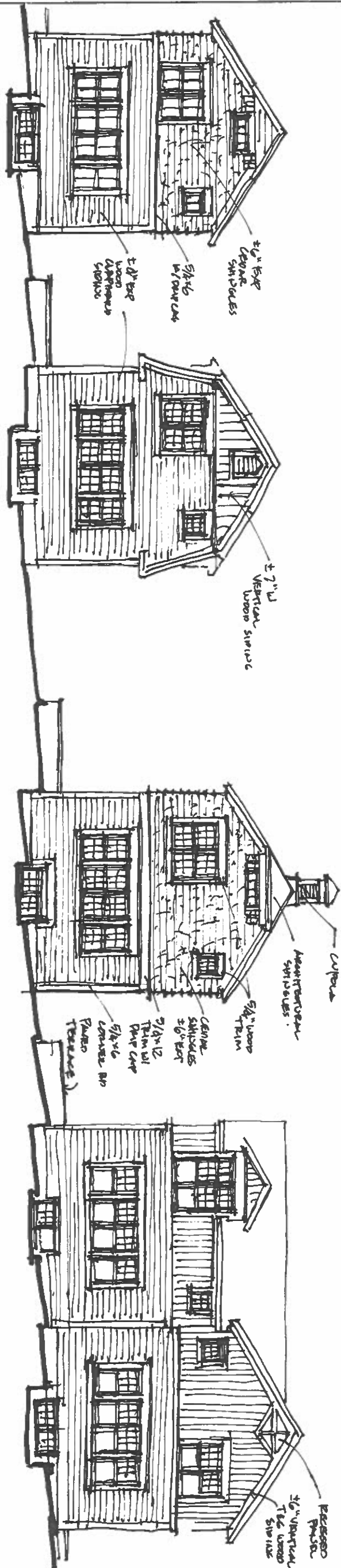


RAYMOND ROAD - ELEVATION
SCALE 3/32" = 1'-0"

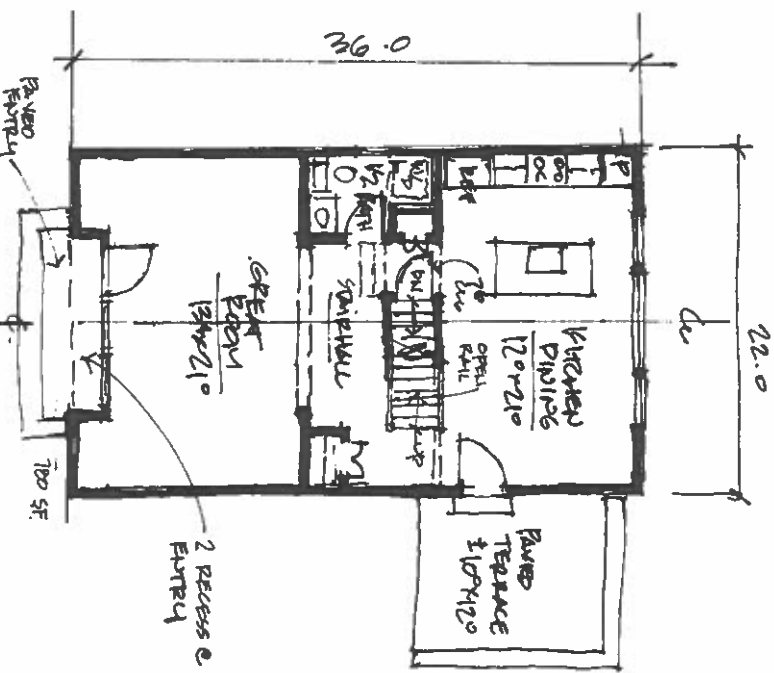


PROPOSED WEST ELEVATION OF "CARRIAGE HOUSES"
3/16" = 1'-0"

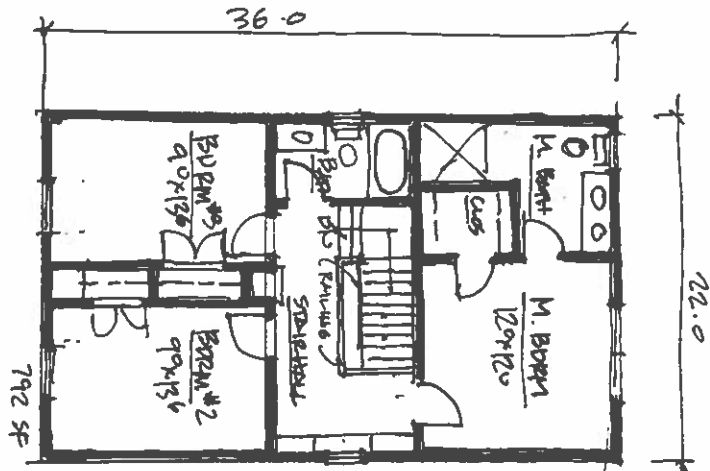
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ARCHITECTS, LLC.



PROPOSED EAST ELEVATION (FACING TROUT BROOK)
3/16" = 1' = 0"



FIRST FLOOR "CARPENTER HOUSE"
3/16" = 1' = 0"



SECOND FLOOR "CARPENTER HOUSE"
3/16" = 1' = 0"

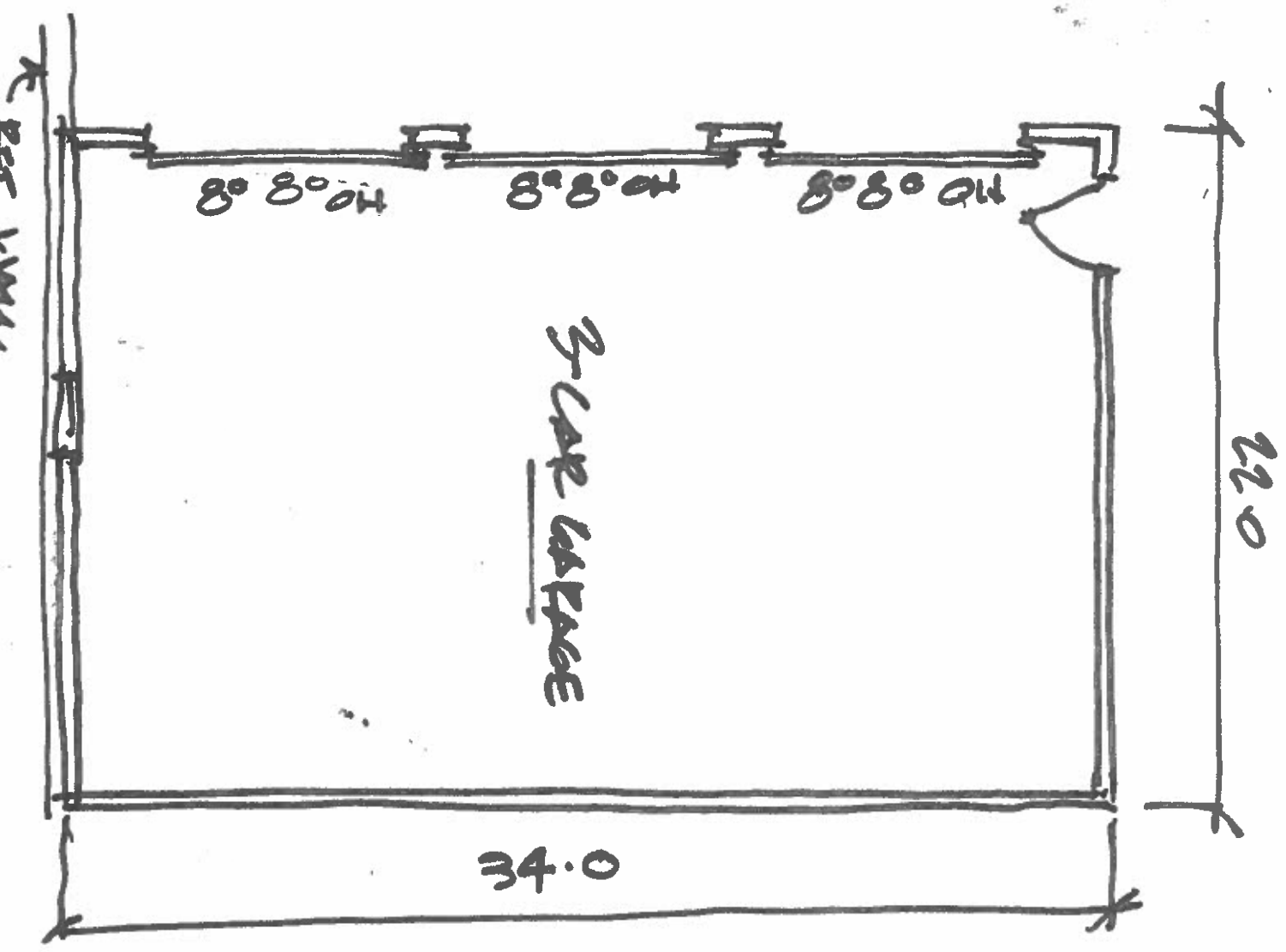
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36-52 RAYMOND ROAD
WEST HARTFORD, CONNECTICUT

Kemper Associates Architects, LLC
700 Farmington Avenue Bldg 2 • Farmington, Connecticut 06032
(860) 409 - 7155 Fax (860) 409 - 7180

Date: 6-10-25
Revised:

Sheet No. 1
Drawn By: JK

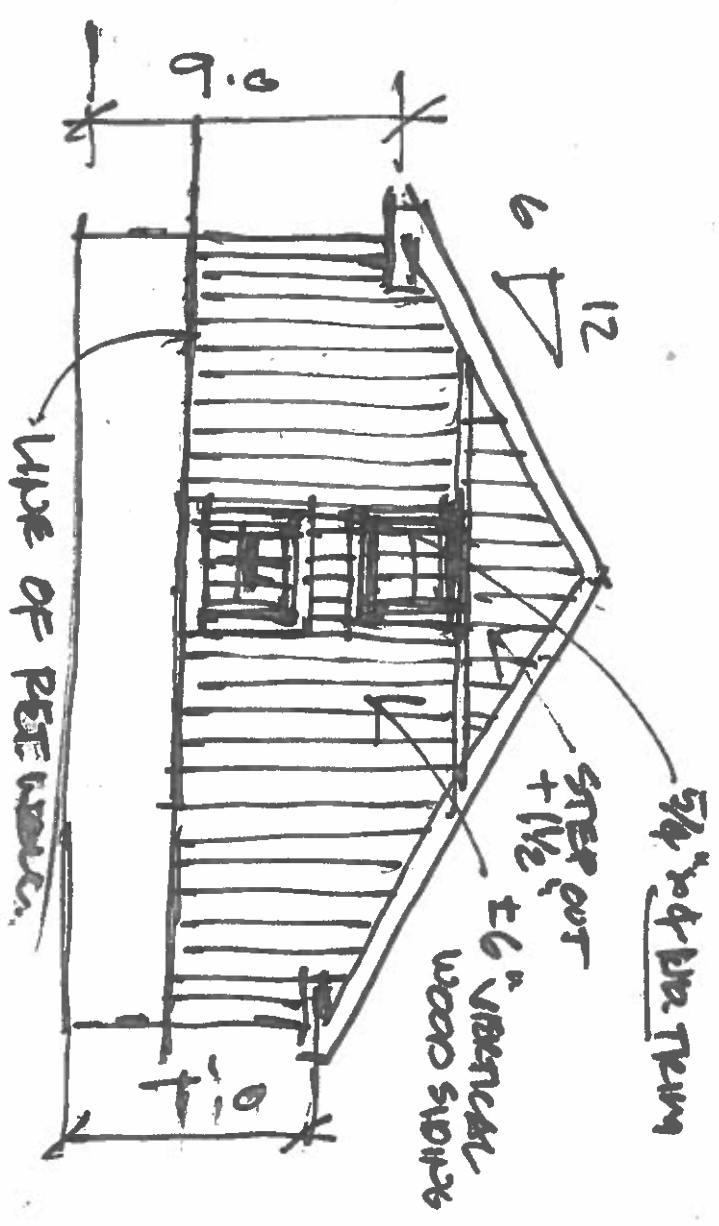


3 CAR DETACHED GARAGE

3/16" = 1'0"

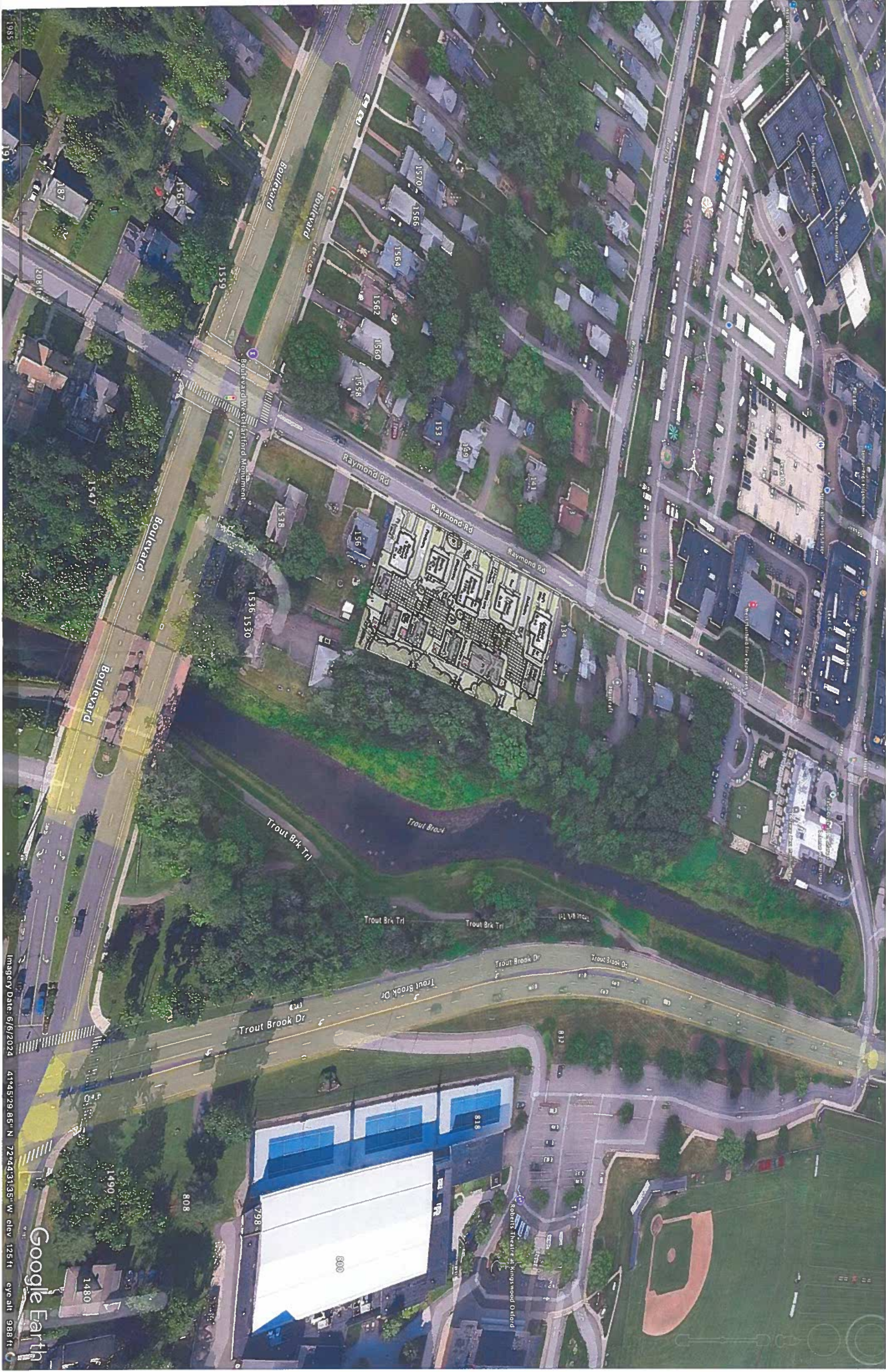
136-152 RAYMOND ROAD

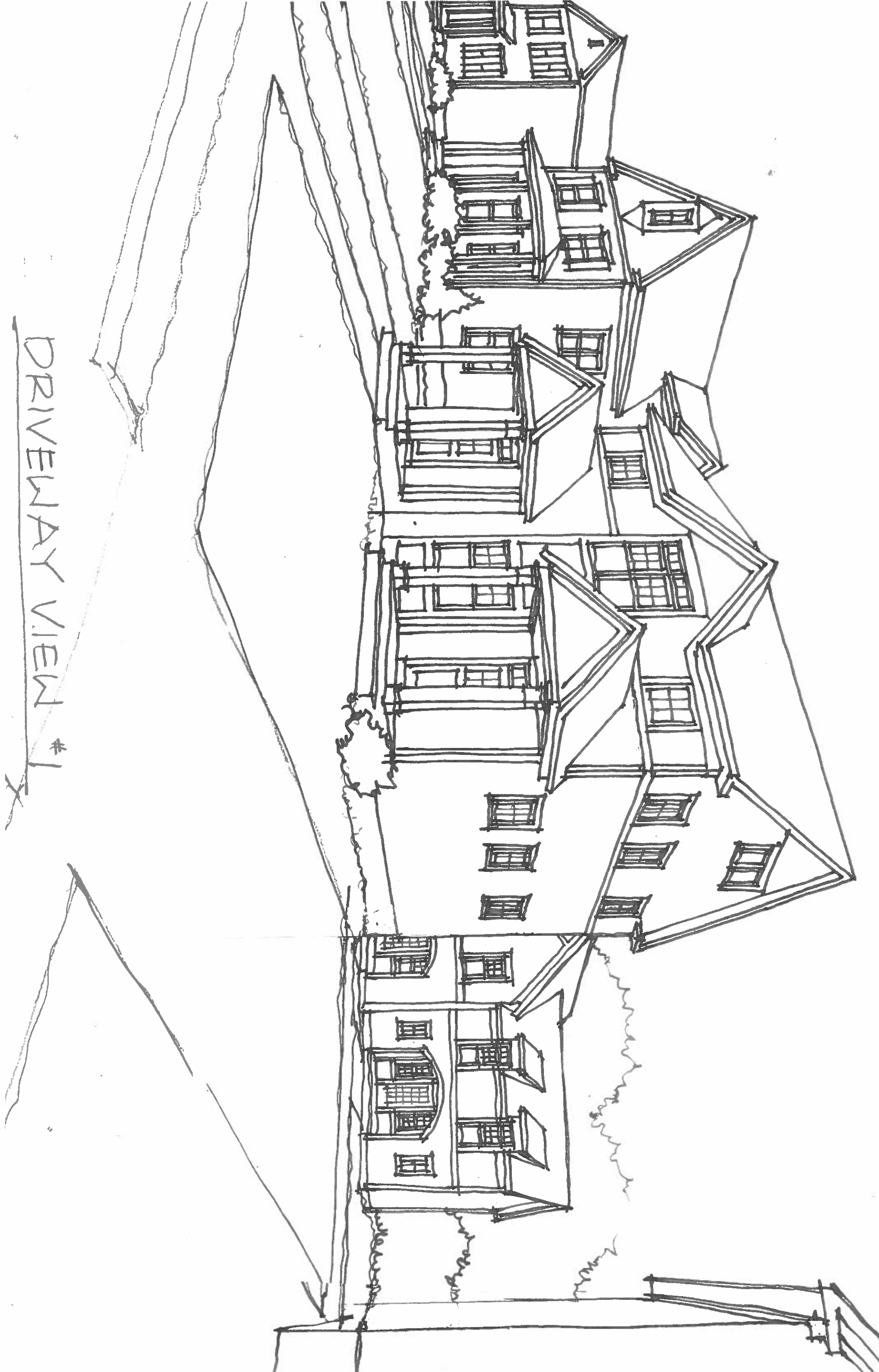
06/10/25



WEST ELEVATION OF DETACHED GARAGE (TYPICAL)

3/16" = 1'0"





DRIVEWAY VIEW #1

DRIVEWAY VIEW #2

