For preservationists, law often seems a tangential issue. We spend much more time with architects and developers and historians (and fundraisers), but in fact laws passed and administered by federal, state, or local governments create the framework within which preservation takes place.

“People who are interested in preservation should have some idea about the law because it has such an impact on what they want to do,” says Sara Bronin, a professor at University of Connecticut Law School and a former Trustee of the Connecticut Trust.

Where there are laws, there are lawyers, who guide clients through legal processes and deal with questions of interpretation and enforcement. To help train lawyers in preservation law, Ms. Bronin, along with J. Peter Byrne of Georgetown University Law School, recently published a new textbook, Historic Preservation Law (New York: Thomson Reuters/Foundation Press, 2012).

Topics covered in the book include historic designation, the National Historic Preservation Act of 1966, federal and state environmental reviews, local regulation of private property, constitutional Issues, protections for archaeological and Native American sites, conservation and preservation restrictions, tax credits, disability law, and gentrification. Each section combines descriptive text with excerpts of legal decisions.

One basic distinction that Ms. Bronin and Mr. Byrne draw is between laws that directly accomplish preservation by either requiring or forbidding certain actions to historic sites, and those that set up a process for considering preservation but without mandating a specific result—that is, between substantive requirements and procedural ones.

According to the authors, the heart of federal preservation law is a procedural requirement, Section 106 of the National Historic Preservation Act of 1966. This section requires government agencies to identify the effect that their undertakings will have on historic properties and to consult with appropriate officials of tribes and Native American groups.

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As the Connecticut Trust begins the new year, we are welcoming a new Trustee, facing challenges, planning to broaden the legal resources for preserving and enhancing our heritage, and celebrating our accomplishments.

In December, the Board of Trustees elected a new member, Scott Jackson. Scott is currently the mayor of Hamden, where among other things he has overseen restoration of the Memorial Town Hall, built in 1924 and listed on the National Register. Before his election, he was the town’s Chief Administrative Officer. He also worked for Senator Joseph Lieberman in a variety of capacities including communications and constituent services. A graduate of Cornell University, Scott lives, of course, in Hamden. As our chairman, Ed Schmidt remarked, “Mayors are busy people. We’re grateful that Scott is willing to join this board amid all his other responsibilities.”

Indeed, the preservation movement needs loyal allies. As I write this in late December, the Connecticut General Assembly and Governor Malloy are determining cuts to be made to help close the enormous budget gap we have in our state. An initial proposal to take $5 million from the Community Investment Act—which supports historic preservation projects across the state as well as affordable housing, farmland and dairy protection, and open space protection—was reduced to $2 million, thanks to a coalition of advocates who made calls and sent emails to the Governor and legislative leaders. Their loud voice of protest was heard and was successful.

Further cuts to the entire budget will be looked at in the next session of the Connecticut General Assembly, and I am sure that I will once again have to ask for your assistance in contacting legislators to help protect funds for historic preservation projects. In the last 18 months alone, $4.8 million of CIA funds have been invested in preservation projects, leveraging at least that much in private investment.

On a more positive note, the Trust will be submitting legislation this legislative session that will allow municipalities to abate taxes on barns that are being actively rehabilitated or restored. We will also submit legislation to allow for municipalities to create preservation commissions to help strengthen property values and economic activity through investment in and re-use of historic structures.

We were honored when a film crew from Savannah College of Art and Design recently visited the Trust to follow its alumnus and Trust staff member Todd Levine during his daily routine as Director of Historic Barns of Connecticut. After interviewing Todd at our Hamden...
Hurricane Sandy hit Connecticut on October 29, and for the second year in a row flooding, storm surges, winds, and falling trees damaged historic sites in the state. Waterfront houses, from mansions in Greenwich to bungalows in Niantic, suffered irreplaceable losses. Shelton lost an oak estimated to be 400 years old. Standing among suburban raised ranches, it stood as a witness to the area’s long history.

Perhaps the most dramatic incident connected with the storm took place on the New Haven Green, where Sandy toppled an oak tree planted in 1909 to commemorate the centenary of Abraham Lincoln’s birth. A passer-by noticed human bones among the tree’s roots. No surprise—the Green was New Haven’s first burial ground, and although the gravestones had been removed in 1821, it’s well known that bodies still lie under the surface.

State Archaeologist Nicholas Bellantoni examined the site for other artifacts, along with Gary Aronsen, from Yale, and Daniel Forrest, of the State Historic Preservation Office. They have concluded that the bones actually came from several individuals and plan further study, to learn about the owners’ sex, age, health and lives, before the remains are reburied.

Because of the importance of waterways for commerce, industry, and transportation, nearly every Connecticut community was built near a river or harbor. As water levels rise, the oldest sections of these communities will be increasingly vulnerable to flooding. Will cities and towns be willing or able to pay for new drainage and flood control systems? If so, at what cost? Is it worth protecting such neighborhoods if doing so robs them of their historic connection to the water? Or will these areas have to be abandoned in favor of new development at higher elevations?

Preservationists must be a part of the discussion, and they must be prepared to balance historic significance against the need to alter buildings to protect them against future damage, or even the feasibility of protecting them at all.
**Briefly Noted**

**Hartford:** The Hartford Preservation Alliance has announced the appointment of Frank H. Hagaman as Executive Director, succeeding Laura Knott-Twine, who directed the organization for seven years. A native of Hartford, Mr. Hagaman returns to the area from Indianapolis, where he established and led an urban nonprofit to rehabilitate old and historic buildings for adaptive use.

**New Haven:** The Yale University Art Gallery has reopened after extensive renovation to the Old Art Gallery (1927, Egerton Swartwout) and Street Hall (1866, Peter Bonnett Wight), by Ennead Architects. Gallery Director Jock Reynolds commented, in a press release, “It has been thrilling to watch the renovation of the Gallery unfold, as splendid new spaces are created and old ones restored to their original beauty, long-obscured views and sightlines are recovered, and architectural details recaptured.” The two buildings join the Art Gallery building (1953, Louis Kahn), renovated in 2006.

**Stamford:** The City is drafting an ordinance to create an Historic Preservation Advisory Commission, as called for in the City Charter revisions approved by voters in November. The Commission will “act in an advisory capacity to the land use boards and commissions of the City regarding issues concerning historic preservation within the City.”

**Danbury:** Residents are asking the City not to sell a Federal-era house on Main Street. Built about 1810 by Revolutionary War veteran John McLean, it until recently housed social services programs. As an alternative, the City is considering preservation restrictions to protect the house.
Manchester: On Election Day, citizens voted down a proposal to expand the Mary Cheney Library, which sits in Center Memorial Park. Opposition to further encroachment on the park’s landscape (indicated in the weeks before the election by painted marks on the grass) was a significant factor in defeating the proposal. Both park and library are contributing elements in the Main Street National Register district.

Glastonbury: A 140-year-old tobacco shed is rising on the grounds of the Welles-Shipman-Ward museum, in South Glastonbury. Rescued from the site of the new Glastonbury-East Hartford Elementary Magnet School, the building will become a visitor center for the museum, operated by the Glastonbury Historical Society.

Waterford: Demolition of the Cohanzie School looks likely, after no developers responded to a request for proposals to reuse the State Register-listed building. To mitigate the loss, the Town will prepare a professional photographic and narrative documentation of the school and create an exhibit on schools in Waterford. Town clerk and municipal historian Bob Nye still hopes a use can be found for the building.

New London: The U.S. Postal Service has suggested that it would like to sell the city’s downtown post office building (1933; NR) to save operating costs. However, if no buyer can be found the agency will retain the building. The City has expressed tentative interest in acquiring the structure to expand city offices. According to a spokeswoman, any sale would include covenants to protect the building and the WPA murals in the lobby, which depict scenes from New London’s whaling industry.
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First Rest Area Renovated on Merritt Parkway

Fairfield. The first of the Merritt Parkway rest areas to be renovated, in Fairfield, re-opened in November. All the Merritt rest areas, along with those on the Wilbur Cross Parkway and Interstates 95 and 395, are being redone through a contract between the Connecticut Department of Transportation (ConnDOT) and Project Service LLC, a joint venture of Subway and a private equity group that will operate the service areas for 35 years.

The Merritt service areas originally opened in 1941 and are contributing elements in the Parkway’s National Register designation. George Dunkelberger, the architect of the Parkway’s bridges, designed the brick and stone Colonial Revival service buildings. Over the years, the buildings were enlarged and their front walls were cut out to install metal-and-glass storefronts, while the areas around them filled up with access ramps, outdoor product displays, mis-matched signs, trash cans, and barriers.

Project Service aimed to clean up the clutter and, as much as possible, restore the buildings to their original appearance, while enlarging them to accommodate more vendors.

Preserving the historic architecture and landscape of the Merritt rest areas was of prime importance to ConnDOT, the Merritt Parkway Conservancy, and the Connecticut Trust. To guide the process, the Conservancy prepared a booklet summarizing recommendations for the service areas from the Merritt Parkway Guidelines and the Landscape Master Plan.

As a sort of dry run, Project Service began with the North Haven rest areas on the Wilbur Cross Parkway, which is similar to the Merritt but lacks historic designation. Then, preservationists and government officials reviewed the work and suggested revisions.

This approach produced obvious benefits at Fairfield: wooden surfaces really are wood, rather than vinyl; windows are operable double-hung sash with three-dimensional muntins; roofs are slate rather than asphalt shingles—all in response to preservationists’ requests.

In a major and unexpected change, the illuminated plastic signs at the entry to the service area were eliminated. Company names appear in the frieze over the windows of the service building, without logos. Project Service is to be commended for persuading these national chains to forego their standard signage policies to respect the Parkway’s noncommercial character.

Some changes were necessary. For instance, the front walls of the service buildings that had been removed for the storefronts were rebuilt in wood rather than brick, with wooden panels under the win-
The service station before renovation.

The newly renovated Fairfield northbound service station on the Merritt Parkway.

windows. While not a true restoration of the buildings’ original appearance, it is in keeping with the Colonial Revival practices of the 1930s.

One of the most successful aspects of the project is the new canopy for the gas pumps. The existing canopies, installed in the 1980s, were conceived as updated versions of the colonial-style gas station buildings but by 2010 they were seen as too big and heavy. Project Service was able to move the pumps from in front of the buildings to a less obtrusive spot.

Working with Newman Architects, of New Haven (principal Herbert S. Newman, FAIA, is a member of the Merritt Parkway Advisory Committee), they came up with a minimalist design of steel posts and beams supporting a flat roof and painted to blend into the landscape. Angled braces suggest abstracted tree limbs, while a frame on the top supports solar collectors. The new canopies defer politely to the historic buildings and refer to the rustic elements of the Parkway landscape, yet employ materials and aesthetics of the 21st century.

There’s still room for improvement. The shutter hardware is fussy, and some detailing seems to be missing from the restored clock. The amount of pavement seems excessive, particularly when pulling in to the service area. If there weren’t so much wide-open asphalt it might not be necessary to have so many No Parking signs. Also, it might be possible to soften the pavement’s appearance by putting small shrubs in the planting strip along the barrier between the pull-off and the main roadways; currently, that’s just a strip of grass.

On the whole, the Fairfield rest area looks much better than it did before. For contrast, see the rebuilt rest areas on Interstate 95, with their generic suburban-strip design. I-95 is probably a lost cause, but at the Fairfield rest area Project Service clearly has reinforced Connecticut identity and preserved historic character. The developers wanted to do the right thing, and on the whole they have. The people of Connecticut, and anyone else who travels on the Merritt, have a lot to be thankful for.

For more on the rest area renovation project, http://ctserviceplazas.com/.
Habitat for Humanity Dedications
Rehabbed House

Hamden. Habitat for Humanity of Greater New Haven rededicated the rehabbed Maselli farmhouse on December 1. A few days later, the Colon family moved in, making the long-vacant building a home once again.

Built in 1892, the house served a 35-acre farm for most of its history. After the last owners moved out, the Town of Hamden bought the property in 2008 to protect the land from being developed. In 2011 the Town sold the house, with about an acre of land, to Habitat for Humanity. An Historic Preservation Technical Assistance Grant from the Connecticut Trust helped fund plans that guided Habitat in preserving the house’s historic character, and Circuit Rider Greg Farmer continued to work with the organization through the rehabilitation.

For more information, visit http://habitatgnh.org.
Norwalk. In October, the Norwalk Inn completed the exterior restoration of the Grumman-Saint John house, a contributing structure in the Norwalk Green National Register district. The house was saved from demolition through a lawsuit filed under the Connecticut Environmental Protection Act and a subsequent deal brokered by Norwalk State Representative Lawrence Cafero and Senator Bob Duff (see CPN, September/October 2010). Under the agreement, the Norwalk Inn is restoring the exterior of the house and converting the interior to guest rooms. In exchange, the Inn received permission to expand its existing building.

Work began in January of last year, with the removal of the collapsing porch. Following the Secretary of the Interior’s Standards for Rehabilitation, original material was reused wherever possible, while elements that were too far gone to use, such as the porch columns and decking, were replicated. The porch railing was copied from a surviving fragment, and an historic photo of the building, from 1928, showed what the balusters looked like. New, double-glazed windows are exact replicas of the originals.

Tod Bryant, of the Norwalk Preservation Trust, said, “Preservation consultant John Herzan, of the New Haven Preservation Trust, did a great job of keeping the project focused on preservation of the exterior elements.”

Once the exterior work was finished, Mr. Herzan sent the Inn’s attorney a letter, as required under the settlement, certifying that the work had been satisfactorily completed. The court will now issue a permanent injunction against demolition of the house.

Work continues on the interior, which will become eight extended-stay hotel rooms with kitchens. The original entrance hall and staircase will remain, but everything else will be new. ✧
In November, the Connecticut Trust awarded Barns Grants to three historic barns, thanks to new funding from the Summer Hill Foundation, of Madison. The grants, which totaled $17,000, support efforts to preserve these barns; with matching funds they make possible a total investment of at least $30,500. Summer Hill Foundation works with partners in New England to protect wilderness, natural areas, working agricultural lands, and historic structures. The recipients are:

**Killingly, Burlingame Farm (F. James Burlingame):** $6,500 for conditions assessment and stabilization of the Burlingame English barn (early 19th century).

**North Branford, Susan Dudley:** $4,000 for stabilization of a double English barn (c.1830, 1860).

**Union, Connecticut Yankee Boy Scouts of America:** $6,500 for conditions assessment and stabilization of an English bank barn at Camp Pomperaug/Camp Burn (early to mid 19th century).
Funding for Historic Preservation

In December, the Connecticut Trust awarded Historic Preservation Technical Assistance Grants to sixteen municipalities and nonprofit organizations, totaling $196,865. The grants will make possible a minimum initial investment of $393,730 in these historic sites.

The grants, intended to encourage and support community efforts in planning for the preservation, restoration, and rehabilitation of historic buildings and places, are part of the Trust’s technical assistance program, in collaboration with and with generous funding from the Connecticut General Assembly, the Connecticut Humanities Council, and the State Historic Preservation Office, Department of Economic and Community Development, through the Community Investment Act. The recipients are:

**Bristol, American Clock and Watch Museum:** $5,815 for capital needs assessments, cyclical maintenance and preservation plan for three museum properties (1801, 1880s, c.1900, NR).

**Clinton, Lewis E. Stanton Trust:** $20,000 for an historic structure report of the Adam Stanton house (c.1790 and 1804, NR).

**Greenwich, Greenwich Historical Society:** $17,800 to evaluate the condition and potential uses of a recently acquired historic house (c.1850, LHD).

**Hartford, Greater Hartford Transit District:** $20,000 for a condition assessment of Hartford Union Station (1889, 1914, NR).

**Hartford, Charter Oak Cultural Center:** $15,000 to plan renovations to the former Charter Oak Temple (1876, NR).

**Hartford, First Church of Christ:** $20,000 for a condition assessment and restoration master plan with cost estimates (1807, NR).

**Madison, Deacon John Grave Foundation:** $2,500 for a long-term maintenance plan and an expanded interpretative plan (1685 and ff., NR).

**Madison, Scranton Memorial Library:** $7,000 for a National Register nomination of the Scranton Memorial Library (1899) and three adjacent buildings (1870, residence; 1898, former post office; 1910, commercial building) and condition assessments of the adjacent buildings.

**Middletown, Indian Hill Cemetery:** $8,750 for a prioritized restoration and preservation plan for the chapel and the Alsop-Chauncey-Mütter mausoleum (1867, c.1860, SR in process).

**Norwalk, Norwalk Preservation Trust and Silvermine Tavern Studios:** $20,000 for plans and specifications for the rehabilitation and preservation of the Silvermine Tavern (NR).

**Old Mystic, Indian and Colonial Research Center:** $3,100 for a structural assessment and a National Register nomination of the Old Mystic Bank building (1856).

**Southington, Southington-Cheshire Community YMCAs:** $20,000 to develop rehabilitation plans for the Roswell A. Neal house (1868, NR).

**Suffield, First Church of Christ:** $17,400 for architectural analysis and rehabilitation plans for the former parsonage (1908, NR).

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have on historic resources. It gives preservationists, either the federal Advisory Council on Historic Preservation or other public or private participants, an opportunity to comment on proposed federal actions. Most states also have similar laws for actions by their agencies.

It seems surprising that the core of federal preservation law should be a procedural, rather than a substantive, one. Nonetheless, in thousands of cases this procedural requirement has led agencies to avoid or provide mitigation for adverse impacts to historic properties, so Section 106 can be said to have a substantive effect. For example, Section 106 review of a highway project in North Branford identified the Goodsell site. Archaeologists were able to excavate the site before construction destroyed it (see CPN, May/June 2008). Section 106 also covers federally-funded or regulated activities such as approvals for cell towers or bank expansions.

Other laws require more substantive preservation action by government agencies, on a more limited basis than Section 106. For instance, Section 4(f) of the Department of Transportation Act requires the U. S. Department of Transportation to consider all viable options when planning transportation projects that will affect historic resources.

Section 4(f) was important in Connecticut, when the Merritt Parkway Conservancy sued the U. S. Department of Transportation—along with the Connecticut DOT—over the proposed rebuilding of the Parkway’s Route 7 interchange, in Norwalk. As planned, the rebuilding called for demolishing original bridges and uprooting a long stretch of historic Parkway landscape. The Conservancy (along with the Connecticut Trust and National Trust for Historic Preservation) showed that the planners had not considered other schemes that would cause less harm to the historic character of the Parkway. As a result, work had to stop, and the project was redesigned (see CPN, May/June 2006).

In Connecticut, attention has recently been on the Connecticut Environmental Protection Act (CEPA), which allows any citizen to sue to prevent the unreasonable destruction of an historic resource. In August of last year, the Connecticut Trust sued to prevent the demolition of the Andrews-Olney house, in Southington, for a parking lot (see CPN September/October 2012). Negotiations with the building’s owner are ongoing.

CEPA is based on the National Environmental Policy Act, another procedural law that requires agencies to consider the impact of their actions on natural and historic resources. The Connecticut law is unusual on three counts, Ms. Bronin explained. First, it applies not only to state agencies, but also to local government and even private individuals. Second, it imposes a substantive requirement for preservation where feasible: anyone who wants to tear down historic structures must show
Connecticut residents will be proud to find that our state features in Bronin and Byrne’s *Historic Preservation Law* in several ways, beginning in the preservation section, where the authors describe the Connecticut Trust as an example of a statewide nonprofit preservation organization (page 55). The text of the Connecticut Environmental Protection Act is printed and discussed as an example of a state law that builds and expands on federal law (page 197), as is the state statute that sets up conservation and preservation easements (page 541). The judge’s decision from the Merritt Parkway case is reprinted for students to read and discuss (pages 240-255), and there are references to other Connecticut cases, in New Milford, Ridgefield, and Wallingford.

Since preservation law is unfamiliar to many attorneys, they will find *Historic Preservation Law* an invaluable resource when confronted with preservation issues. Not only does the book explain the laws, it also covers basic preservation concepts, providing necessary background information for people who otherwise may think of preservation only as a barrier to progress or creativity. For non-lawyers, the legal language and concepts will be more difficult.

Nonetheless, the book contains a wealth of information that rewards the effort, and it will be of use to anyone interested in protecting and enhancing historic places.

Information on Historic Preservation Law can be found at www.westacademic.com. Click on “Students” and then search for “preservation.”

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At the Trust, cont’d from page 2

office, a road trip took them to a barn site in Roxbury where Todd explained how the barns program works to preserve these beloved structures. The film team was amazed by quantity and quality of Connecticut’s barns; one wonderingly asked, “There are barns everywhere, aren’t there?”

None of this would be possible without the support and assistance of you, our members and friends. On behalf of our Trustees and staff, I wish you all many preservation successes in 2013.

—Helen Higgins

Preservation Grants, cont’d from page 11


Woodbridge, Town of Woodbridge: $5,000 for State Register nominations for four historic houses owned by South Central Regional Water Authority (1800-20, 1830s, 1917; see CPN, November/December 2003).

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palaces, it is a multi-story city building built of stone (pink granite from Stony Creek, in Branford), a simple blocky form with stories stacked one on another—each a bit different—and lined with rows of windows, often arched. Rogers adapted the type to the needs of a modern corporation by making it bigger: each story in the original contains two stories in Hartford.

For the interior of the Connecticut General building, Rogers looked to an entirely different model. The lobby is lined with marble Ionic columns attached to the sides by wing walls. Centered at the far end is a single Corinthian column. This arrangement copies that of the Temple of Apollo Epikourios at Bassae, Greece. Built about 420 BCE, this temple is believed to mark the first appearance of the Corinthian order. Rogers highlighted the Corinthian column by using a different kind of marble, a glossy black.

To modern minds the idea of an insurance company inhabiting a Renaissance Italian palazzo seems incongruous, but the blocklike form provided an efficient envelope for business activities and the restrained ornament was dignified but not ostentatious or overly expensive. The rusticated stonework suggests stability and security—qualities the company wanted to project to potential clients. One might even make a connection between the insurance business and the Medici family’s early banking and other financial activities.

But what about the lobby? What could ancient Greek religion have to do with insurance? Rogers was famous for his sense of humor; perhaps he was secretly poking fun at self-important businessmen by making a bank of elevators into a sacred shrine. Perhaps he was showing off his erudition. Most likely, he was thinking visually, not symbolically. Like the exterior, the marble lobby is an elegant design to express Connecticut General’s dignity and prosperity. Functionally, the Corinthian column screens the elevators, so that someone entering the building gets a first impression of marble columns, rather than elevator doors.

Thirty years later, Connecticut General moved to a new headquarters in suburban Bloomfield. By then, the architectural world had undergone a revolution, and imitating the vocabulary of the past was no longer acceptable. The old building remains, proudly proclaiming its links to ancient Greece and Renaissance Italy, but it speaks a largely forgotten language that now requires interpretation to be fully understood.

The Connecticut General building is located at 55 Elm Street, Hartford, in the Elm Street National Register district. It is now a state office building.

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Until the middle of the twentieth century, an important skill for any architect was the ability to reinterpret and combine elements from buildings of the past to meet present-day needs. As a result, any American city is a veritable museum of architecture, filled with examples of designs from distant times and places.

One of these is the former Connecticut General Life Insurance Company building, in Hartford. It was designed in 1925 by James Gamble Rogers, who chose as his model the Palazzo Medici-Riccardi, in Florence (1445-1460, by Michelozzo di Bartolomeo). Typical of Renaissance Italian

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Both photos C. Wigren