

# Connecticut **Law**Tribune

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## Court Ruling Rocks Hepburn Home Owner

Developer fought with historic commission over granite posts

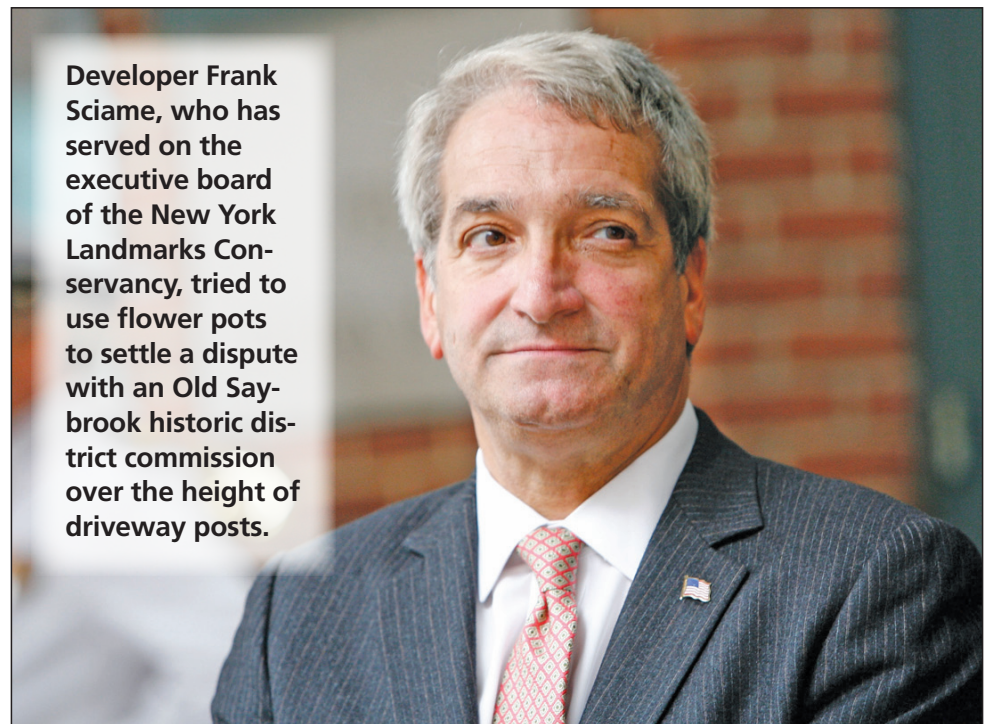
### Associated Press

A prominent New York City developer balked when he was ordered to shave a foot off the height of two 5-foot granite posts he had installed at the driveway entrance to Katharine Hepburn's former estate along the Connecticut shore.

A veteran of navigating zoning rules and regulations, Frank Sciamè thought the local historic commission didn't have the authority to issue the order in 2010. His response? Place foot-high flower beds at the base of the posts and tell the commission he was complying with its order.

That didn't sit well with the Historic District Commission of the Borough of Fenwick in Old Saybrook, which began court proceedings that culminated last week in a state Appellate Court ruling against Sciamè, who owns the estate.

The state's second-highest court



Developer Frank Sciamè, who has served on the executive board of the New York Landmarks Conservancy, tried to use flower pots to settle a dispute with an Old Saybrook historic district commission over the height of driveway posts.

on January 7 upheld a lower court ruling and dismissed Sciamè's claims that the commission overstepped its authority and inflicted emotional distress on him by making him lower the posts. At a public hearing in June 2010, historic commission members said they were concerned that the height of the posts made them too visible from surrounding areas,

including local streets and a golf course.

The Appellate Court ruled that Sciamè didn't appeal the commission's decision within a required 20-day period and that the claims of emotional distress were not legally sufficient.

Sciamè's Milford-based lawyer, Genevieve Salvatore, said she wasn't pleased with the

court's rulings but respected them. She said no further appeals were planned, and the posts already have been lowered to the required height.

"The facts may seem trivial, but it's the procedure he's concerned about," Salvatore said. "What Mr. Sciamè was really concerned about was a governmental entity running roughshod over somebody's rights. I think he was trying to show them ... that I'm not someone who's going to be pushed around."

The commission's lawyer, Lewis Wise, called the case "very, very unfortunate."

"He did the mounding of dirt and basically said, 'What are you going to do about it?'" Wise said. "He basically left them [the commission] no choice, and it's too bad."

### **\$30 Million Property**

Sciamè founded F.J. Sciamè Construction Co. Inc. in Manhattan in 1975. The company's projects have included many notable New York City buildings, including the Pierpont Morgan Library and Museum, the New Victory Theater, Central Synagogue and the exterior restoration of the

Guggenheim Museum.

He has served on the executive board of the New York Landmarks Conservancy and was hired by New York officials in 2006 to find ways to reduce the cost of the Sept. 11 memorial at ground zero.

### **Sciamè's projects have included many notable New York City buildings, including the Pierpont Morgan Library and Museum, the New Victory Theater and the exterior restoration of the Guggenheim Museum.**

Sciamè bought Hepburn's nearly 4-acre estate, which includes an 8,400-square-foot home, for \$6 million in 2004. He made extensive renovations and is now trying to sell it for \$30 million.

The granite posts mark the beginning of the property's driveway. Sciamè had them lowered a few months ago to comply with a judge's ruling. "Apparently in certain neighborhoods, as in life, size does matter," then-Superior Court Judge Robert Holzberg wrote in that August ruling, after

a trial. "This is a dispute about 12 inches and how it is measured."

Holzberg found that historic district regulations don't spell out how height is to be measured. He nevertheless sided with the commission but declined to impose fines on Sciamè.

After the commission ordered Sciamè to lower the posts and he installed the flower beds, he told commissioners that he had no intention of taking further compliance action and "invited" the commission to take enforcement measures against him, according to court records.

"Mr. Sciamè is certainly not a bully," Salvatore said. "The decisions he makes, he makes rationally and he makes them in good faith. At the end of the day, I think he didn't want to be bullied." ■

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