

Connecticut Landmarks is exploring selling its neglected Stonington farm



This abandoned house, seen Monday, Feb. 5, 2018, is on Al Harvey Road in Stonington and is owned by Connecticut Landmarks. (David Collins/The Day)

Published February 10, 2018 8:14PM | Updated February 14, 2018 9:54AM

By **David Collins** Day staff writer

d.collins@theday.com DavidCollinsct

Connecticut Landmarks has asked the Connecticut attorney general for an opinion about whether it can sell Forge Farm, the 18th-century farmhouse and acreage on Al Harvey Road in Stonington, which was given to the organization for safekeeping in 1982 as a bequest, along with a substantial endowment.

This news, confirmed by the attorney general this past week, came as a great surprise to me, because Sheryl Hack, Landmarks executive director, told me days earlier that it wasn't true, when I called to ask about it.

"That rumor is false," she told me, when I asked about reports I heard that the organization was talking to the attorney general about the idea of a sale. She added she didn't know where such a rumor might come from.

We went on then to talk about the condition of the property, which has been abandoned and neglected for more than a year, despite an endowment, which now contains about \$1.4 million, left for its maintenance and preservation.

When I finally caught up with Hack again late Friday, she told me I was misremembering our conversation, saying that she denied only, in our first call, that the organization has specific plans to sell the property.

Even if I was ready to concede that her recollection and notes from the conversation are better than mine — which I am not — I was surprised once again Friday how little she was prepared to say about plans for the property that had become a beloved place in town before a landlord-tenant dispute between Landmarks and Terra Firma, which ran a popular community farm there for a dozen years, forced the farm to leave.

After all, if options other than selling — such as a new restoration, for instance — are really being considered, wouldn't an organization want to talk at least generally about it? Shouldn't the organization offer some reassurance to the community that it is not going to let the property sit abandoned for another year, blight on a handsome country road? Is it getting new repair and restoration estimates? Hack would not say.

She added that the broken window that I reported birds have been flying in and out of was repaired this past week.

Hack pretty much refused to talk about anything except her recollection of our earlier conversation, that she didn't deny the organization had talks with the attorney general about selling.

An attorney general review of the question of whether Landmarks can sell the farm, regulated as a restricted charitable asset, began in June, when it was raised by the organization. It is ongoing, and the organization has been supplying requested documentation about the property and endowment, according to a written statement from a spokesperson for Attorney General George Jepsen.

I **reported this past week** that the endowment has been shrinking, even as Forge Farm has slipped into disrepair. It was reduced by about \$100,000 between 2015 and 2016, according to an audit of Connecticut Landmarks finances.

Hack refused again Friday to discuss the endowment, but she agreed to research the history of expenditures from it and get back to me.

The statement from the attorney general said the continuing review of Forge Farm will "include an investigation as to whether there has been appropriate use of the endowment as a restricted charitable gift."

I will be curious to see how that turns out, given the condition of the house and the amount of money left in the endowment.

"Everybody's lawyered up," is what Stonington First Selectman Rob Simmons told me Friday, when I finally caught up with him at his Town Hall office, after a few days of his ducking my messages.

Simmons cited this "lawyering up" as the reason he wouldn't answer my questions about Forge Farm, which he knows well. By the time I asked him about the idea of selling it, he abruptly ended the conversation.

Simmons, who is on the board of the Stonington Historical Society, was on the board of Connecticut Landmarks as Terra Firma's relationship with the organization broke down. He was listed as a trustee on tax returns for 2016 and, since leaving the board, is now listed on the website as an honorary trustee.

Hack said she spoke with Simmons last week about Forge Farm but would not say about what.

"The first selectman is very capable of speaking for himself, as you know," she said. You would think a town's first selectman, whose family asked the zoning board to change regulations to allow commercial development of its own beloved historic farm, would have something to say about an attorney general investigation into the management of another important historic farm in town.

Really? Nothing to say, even as neighbors and alarmed preservation-minded residents begin to organize an effort to save the property?

Is the first selectman lawyering up, too?

It seems incredible to me that Landmarks would try to argue in court that Forge Farm can't be saved in a way to honor the donors' wishes that it be preserved as an example of early American architecture, and that they should be allowed to sell the house and the land and repurpose the endowment.

But that is essentially the question the attorney general has been asked to consider. I trust he will come up with the right answer.

This is the opinion of David Collins.

d.collins@theday.com

Editor's Note: *This column has been edited to correct the total endowment.*

Forge Farm ‘no longer truly historic’

Published February 18, 2018 12:01AM

Sheryl Hack

As everyone knows, there are two sides to every story. I would like to set the record straight, address the issues that have been raised and tell Connecticut Landmarks' side of the story of our 35-year stewardship of the Stonington property known as Forge Farm. The Antiquarian & Landmarks Society (now Connecticut Landmarks or CTL) received the property in 1983 following Virginia Berry's 1982 death. In 1984, after CTL had accepted the property and begun the house's repair, it found that the house had been so severely eaten by termites that it required a nearly complete reconstruction to remain standing. This reconstruction occurred from 1984 to 1988 at a cost of well over \$500,000. This significant investment was made with \$180,000 of the approximately \$640,000 of principal received from the Berrys, the only time during CTL's 35-year property ownership that principal has been used. The remainder came from investment earnings from the Berry funds.

The house's near total reconstruction left CTL in a difficult situation. Our good faith effort to preserve the house as an example of early American architecture resulted in the creation of a replica of a historic house, which although of undeniable local historical interest, was no longer truly "historic." It lacked the architectural significance and integrity necessary to be open as a house museum consistent with the other properties in our collection.

And since all of Mrs. Berry's tangible possessions were deeded to a friend, the Society did not receive any collectible antiquities to display.

From 1988-90 the property was used as a staff residence with its three "museum rooms" open intermittently to test public interest in visiting the property. As that interest was not forthcoming, it was subsequently leased as a private residence, with caretaker responsibilities for the fields.

In 2003, CTL was approached to lease the property to start an educational farm. In 2004, we entered into a multi-year lease agreement with Terra Firma Farm with the expectation that their project would fulfill the Berrys' vision for the property. Unfortunately, their tenancy ended in December 2016, leaving Connecticut Landmarks with a series of decisions. During the intervening year, the house has remained vacant while we explore options for managing the property as the Berrys intended. The back pastures have been grazed by a neighbor's cattle in keeping with the property's agricultural use.

Due to its lack of architectural integrity and historic significance, the Forge Farm property has continued to present a dilemma for Connecticut Landmarks. Following the lead of

national organizations like the National Trust for Historic Preservation and regional organizations, like Historic New England, and in keeping with national best practice, we contacted the Office of the Connecticut Attorney General to identify alternatives that would be available for the property prior to contacting potential community groups with whom we might partner to execute such a plan.

During its property ownership, Connecticut Landmarks has invested significant funds in the property's maintenance and improvement. Our records document close to \$750,000 in property expenditures from 1983-2017. This includes \$10,000 in 2004, a contribution toward the construction of a new barn for Terra Firma.

The "careful restoration" of the house, which columnist David Collins described as being "significantly dismantled," is, in fact, intact. In addition, the Berry endowment which Collins claimed was misused and "**spent down to about \$1 million**" over the past 10 years, has been nurtured and grown to about \$1.5 million.

The Forge Farm property was received as a conditional gift (not in trust) with the stipulation that it be maintained as an example of early American architecture utilizing the three bequests that came with it. It was further stipulated that only income could be used from two of the funds but that the third fund could be used in its entirety for maintenance and preservation, and that all income not necessary to preserve and maintain the property may be used for the Society's general purposes.

Connecticut Landmarks is charged with the responsibility of preserving the unique assets of each of our 11 Connecticut properties. We are committed to finding and implementing an appropriate solution for curating the Forge Farm property that both honors the Berrys' wishes and recognizes that the property, while locally significant, is not the "example of early American architecture" that they wished to have preserved.

Sheryl Hack is the executive director of Connecticut Landmarks.

Editor's note: The Day ran a correction Feb. 14 noting the endowment stood at \$1.4 million at the end of March 2016, according to an audit.

February 28, 2018 05:30PM

By Catherine Hewitt, Sun staff writer



Forge Farm's future is in doubt as group says it's unfit to be a landmark

STONINGTON — Questions remain about Connecticut Landmarks' intentions for Forge Farm, but according to documents obtained from the Attorney General's office on Friday, the organization has been seeking court permission to sell the farm since July 13 of last year. Connecticut Landmarks, formerly known as the Antiquarian & Landmarks Society, received Forge Farm as a "conditional gift" in 1983 after the death of owners Charles Berry, who died in 1979, and his Virginia Berry, who died in 1982.

The 20.8-acre property with three buildings on Al Harvey Road, including a two-story farmhouse built in 1780, was to be maintained and preserved as a "historic landmark" using funds from the Berry endowment, according to Virginia Berry's will.

The Berrys' three trusts amount to \$1.55 million, according to a spreadsheet from John Bonee, a West Hartford lawyer who represents the preservation group.

The Hartford-based organization could keep the funds if the farm were sold, but only if the terms of the contract were proved to be broken.

On July 13, Bonee met with Gary Hawes, an assistant attorney general, and Sheryl Hack, executive director of Connecticut Landmarks, according to an email from Bonee the next day. "During the course of our discussions we reached a general agreement that we wish to pursue seeking probate court permission to sell the real estate devised to CT landmarks in the Berry Trust as an asset of the trust because the trust purpose regarding the real estate is lost, i.e. it is an impossibility to maintain the real estate as an example of early American architecture and grounds," Bonee said in his email to Hawkes, which was copied to Frederick Copeland Jr., president of the Connecticut Landmarks board.

"Under the current factual scenario, the charitable restriction in the Wills is not longer viable. Prior to listing for sale, however, we wish to receive an indication from you as to whether your office would acquiesce in the sale and not present any impediments at Probate when we submit our motion for sale approval," Bonee wrote.

On Sept. 6, Hawes sent Bonee a list of additional information needed to evaluate the organization's proposal, including a description of all efforts taken by Connecticut Landmarks to maintain the house as an historic landmark, and a description of the renovations, with dates, since it had owned the house.

Hawes also asked why the house had not been reconstructed in the style of early American architecture, both interior and exterior.

Bonee responded in a letter of Dec. 21, telling Hawes that "Connecticut Landmarks has taken as extensive an effort as reasonably possible to preserve the house and grounds as an example of early American architecture and grounds."

He said that during a four-year timespan beginning in 1985, the organization had spent \$435,694 "in a good faith effort to create a hand-tooled replica of the house as it stood in the 1700s."

Bonee said the house had been damaged by termites and "the elements of nature," rendering it "now a mere replica." He noted that "entire portions of the structure had to be leveled and completely replaced, which amounted to approximately 75 percent of the house as it stands today."

As to why the house was not reconstructed in the style of early American architecture, Bonee said that Connecticut Landmarks "immediately set out to restore the structures and return them to as close to their original historic condition as possible," employing "highly-skilled trades persons in this extension renovation." However, because of the extensive water and termite damage, "only a few aspects of the original material could be used," Bonee said.

This month, in a Feb. 7 email to the assistant attorney general, Bonee reiterated, "I have confirmed that the Ct. Landmarks intends not to make any efforts at sale until it has worked through the charitable issues with your office."

On Tuesday of this week, a group toured the farm, according to Evelynn Lyons, vice president of the Stonington Historical Society, who was one of the participants.

In an email Wednesday to Mollie Burton, whose property abuts the farm, Lyons said that "Sheryl Hack, CTLM Director, who visited the farm for the first time yesterday, reiterated several times that Forge Farm is not and has never been a 'museum quality house.'"

Lyons further noted that it was also Copeland's first visit to the property.

Lyons said that Copeland and Jim Anderson, another Landmarks director, had mentioned that they would propose to their board that the organization restore the house to acceptable historic standards.

"However the elephant in the room was the money that the owners of the farm left CTLM for the preservation of their beloved Farm," wrote Lyons. "It would not surprise me if at a future

date, when the spotlight has faded, they will quietly attempt to sell the property but retain the ‘conditional gift.’”

Nevertheless, Copeland was quoted in a Day editorial published on Wednesday that there was a “95 percent chance” that Connecticut Landmarks would keep the farm and use the endowment income for repairs.

Hack could not be reached for comment.

The organization has also been in a dispute with its former tenant, Terra Firma Farm, which relocated to North Stonington in 2016.



chewitt@thewesterlysun.com

By Madelia Hickman Ring, Assistant Editor

HARTFORD, CONN. – Art and antiques news sources regularly report that attendance is down at museums, historical societies and house museums, and that institutions are resorting to selling works from their collections to covering operating costs. In the current economy, organizations that once relied upon financial support from state or local governments have been forced to tighten their belts or find other sources of support.

The Connecticut Landmarks Society (CTL) – formerly the Antiquarian and Landmarks Society (ALS) – finds itself under scrutiny after a series of reports by David Collins, a columnist for The Day of New London, Conn. At the center of the reports are three historic properties owned by CTL: Forge Farm in Stonington, which was gifted to then ALS in 1983; the Palmer-Warner House in East Haddam, which CTL took possession of in 2005, and the Amasa Day House, also in East Haddam, inherited by ALS in 1967. Collins believes the properties have been left

to deteriorate while at least two of the properties were gifted with endowments sufficient for their continued upkeep. He also claims the society has spent the monies in the endowments inappropriately, not followed the directions of the bequests and that they have been trying to sell off Forge Farm while keeping the farm's endowment. None of the properties appear to be seasonally open to the public, with only one of the properties, the Palmer-Warner House, being listed on CTL's website.

CTL has responded to the Forge Farm allegations with letters to the editor of The Day, one written by Frederick Copeland Jr, chairman of the Board of Trustees, the other written by Sheryl Hack, CTL's executor director. Both Copeland and Hack assert that when the house was initially endowed it required an extensive restoration, after which both assert the house had lost much of its historic integrity. Further, Copeland states CTL intends to devote considerable funds to improving the condition of Forge Farm and grounds. In her letter, Hack says the farm's endowment is approximately \$1.5 million. She asserts, however, that with the property no longer historic but a "replica of a historic house," Forge Farm has presented a dilemma for CTL, which is trying to find a buyer who can assume stewardship of the property. In addressing the issue of the condition of the Palmer-Warner House, Collins reported that Copeland has admitted monies were spent on things other than the house, including "overhead" expenses.