

Historic Preservation Toolbox

Town of Essex

April 2011



**Design
Overlay Zone**



**National
Register of
Historic
Places**



**Form-Based
Zoning**



**Design
Review Board**



**Village
District**



**Historic
District**



**State Register
of Historic
Places**



**Design
Guidelines**

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Introduction



The Essex Planning Commission charged its Architectural Design Review Subcommittee with determining the architectural heritage of the community, identifying any losses of or threats to this heritage, exploring methods of protection, and recommending the most suitable methods. To carry out its mission, the Commission and Subcommittee obtained a grant from the Connecticut Commission on

Culture and Tourism to conduct a formal survey of historic and architecturally significant properties in the Villages of Centerbrook, Essex and Ivoryton, and to develop this “Toolbox” of options for preserving the unique and important historic features of the community.

Also underpinning this toolbox and the Subcommittee’s work is the 2005 Essex Plan of Conservation and Development. A survey of residents conducted in preparation for the 2005 Plan indicated support for local officials considering the establishment of historic districts or a design review board. In addition, the 2005 Plan recommended the creation of historic districts in the Villages of Centerbrook, Essex and Ivoryton; as well as the adoption of six discrete sets of design standards to enhance and protect the existing character of the Town’s historic villages. The Plan recommends design standards for the Village Commercial, Mixed-Use, Industrial, Heritage Gateway, Village Residential and Rural Residential districts.

This Toolbox provides a summary of several different techniques used by communities in Connecticut and around the country to protect historic resources and to promote certain design standards. The various techniques are then analyzed for their potential application in Essex, and compared for their advantages and disadvantages in helping the community achieve its historic preservation goals.

It is important to remember that the tools described herein represent a menu of options. None are mutually exclusive. In fact, communities often implement multiple tools, based on the merits of each tool for the specific objective and/or neighborhood situation.

All photos used in this Toolbox were provided by the Architectural Design Review Subcommittee and Historical Society, unless otherwise noted.

Design Guidelines



What are Design Guidelines?

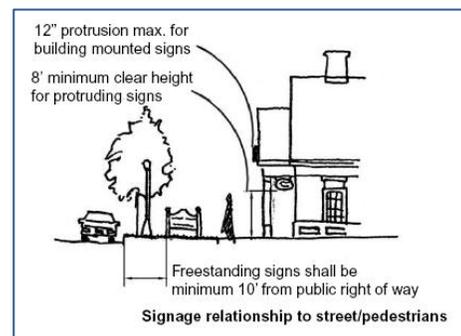
Design guidelines are standards intended to ensure the form, quality and design of new development and redevelopment meets a certain development theme. Design guidelines are flexible tools that may be used for different purposes; from educating property owners to establishing strong design recommendations with an independent review process, or even in some cases, legal standards.

Connecticut statutes do not specifically authorize the adoption of detailed design guidelines; however, many communities adopt them as advisory recommendations independent from land use regulations. In some communities, advisory design guidelines are supported by a design review board or commission with an established review process, while in others, they serve as reference documents for developers and existing land use boards and commissions. Some communities have incorporated design guidelines directly into their zoning regulations through the zoning powers established by statutes. When design guidelines are enacted through zoning, they become legally enforceable standards.

Design guidelines are flexible not only in the means of adoption and implementation, but also in their level of detail and specificity. Design guidelines generally address all or some combination of the following components: site development and layout, streetscapes, architectural features, lighting, and signage. Some guidelines offer broad statements of design principles, such as, “Repair deteriorated historic features, and replace only those elements that cannot be repaired” (Anderson, SC). Others promulgate more precise standards, such as, “The functional and decorative features of the original windows should be preserved. Retain the position, type, number, and groupings of the original windows, particularly on significant facades” (Littleton, NH).

Design guidelines usually rely on graphics to illustrate existing development themes subject to protection, and standards, such as the example from the *Marlborough Village Center Stylebook*¹ shown in Figure 1.

Figure 1:



Finally, communities can tailor design guidelines to influence only certain neighborhoods, or certain types of developments. For example, design guidelines may apply to commercial land uses only, or they may apply to all land uses in a particular neighborhood.

¹ Prepared by Milone & MacBroom, Inc. 2010.

How Do Design Guidelines Help Protect Historic Resources?

Design guidelines describe in detail the historic and/or community character features that the community desires to maintain and enhance. Guidelines protect those desired historic resources through mandates or recommendations, thus the direct influence on historic preservation depends on the strength of the guidelines. Prescriptive and enforceable guidelines can require that historic architectural features and site design be preserved and/or replicated whenever possible, and that new construction be consistent with the historic theme of the neighborhood, village or community. Advisory guidelines may establish principles or themes, such as a particular historic architectural style, that are appropriate.

What Are the Most Suitable Applications of Design Guidelines?

Because design guidelines are flexible tools, they may be applied in various ways to address specific community concerns, such as the appearance of new commercial development, or the preservation of the overall historic character of a community. The broader the geographical area covered by design guidelines, the more flexible they need to be, as key community character areas tend to be located in distinct villages or neighborhoods.

Design guidelines are valuable tools for conveying to developers and property owners community desires and expectations for future development. They are also good options for communities seeking preservation in a more cooperative environment than traditional zoning actions.

Design Review Boards



What are Design Review Boards?

Design review boards or commissions are independent commissions charged with upholding design guidelines and reviewing the design components of development proposals. Communities generally establish volunteer boards consisting of residents who are design professionals (architects, landscape architects, engineers, etc.) or historians; however, some communities have established design review committees that

consist of municipal staff. Depending on the process established by the community, design review boards may conduct advisory or legal reviews of development applications.

Many communities have advisory design review boards that meet with developers early in the site design process, prior to submission of a formal application. In this capacity, design review boards can react to concept plans and offer suggestions and recommendations that ultimately influence the final site plan submitted with a development application. Figure 2 shows an excerpt from the Canton Design Review Team’s brochure for developers²; the Canton Design Review Team meets with developers prior to formal land use applications are filed.

Figure 2:

<p>Canton Design Guidelines - Checklist</p> <p>II. Design Guidelines</p> <ol style="list-style-type: none"> 1. Character <ul style="list-style-type: none"> <input type="checkbox"/> Project is appropriate to the existing community character which surrounds it. <input type="checkbox"/> Design enhances the overall character of the town. <input type="checkbox"/> Project exhibits quality of design. 2. Harmony <ul style="list-style-type: none"> <input type="checkbox"/> Project reflects consistency and unity of form and detail, regardless of style and building type. 3. Site Context <ul style="list-style-type: none"> <input type="checkbox"/> Proposal is compatible to its surroundings relative to: <ul style="list-style-type: none"> <input type="checkbox"/> setbacks; <input type="checkbox"/> heights; <input type="checkbox"/> harmony and character of the streetscape. 4. Architecture (Architectural style is not restricted.) <ul style="list-style-type: none"> <input type="checkbox"/> Ingenuity and creativity are reflected in the design. <input type="checkbox"/> Expanses of flat, blank, bland walls are avoided. <input type="checkbox"/> Commercial "franchise", "logo" or "brand name" prototype architecture is avoided. <input type="checkbox"/> Building façades that are visible from a public way have an attractive appearance. 5. Commercial Branding <ul style="list-style-type: none"> <input type="checkbox"/> Use of bright logo colors that strongly contrast with the established palette of Canton is avoided over large expanses of the building. 6. Scale <ul style="list-style-type: none"> <input type="checkbox"/> Scale of the building and the site elements are designed to relate to the human form. <input type="checkbox"/> Building scale relates well to other buildings in the surrounding area. <input type="checkbox"/> Building size and scale relates to the site it occupies and to surrounding properties. <input type="checkbox"/> Scale is compatible and harmonious within the composition of the entire building. 7. Height <ul style="list-style-type: none"> <input type="checkbox"/> Building has a compatible height relationship to that of surrounding properties. 8. Massing <ul style="list-style-type: none"> <input type="checkbox"/> Massing of buildings arranged in a manner that is appropriate to the size and shape of the site. <input type="checkbox"/> Massing of this project is compatible with the massing of adjacent buildings. <p style="text-align: center;">7</p>	<p>Canton Design Guidelines - Checklist</p> <ol style="list-style-type: none"> 9. Proportion <ul style="list-style-type: none"> <input type="checkbox"/> Proportions and relationships between windows, doors, signs, and other architectural elements are compatible with the architectural style and character of the building and its surroundings. <input type="checkbox"/> Proportions preserve and enhance the character of the surrounding area. 10. Roofs <ul style="list-style-type: none"> <input type="checkbox"/> Proposed roof shapes and pitches are compatible with those of surrounding structures. <input type="checkbox"/> Roof design helps maintain the balance, setbacks and visual lines of the building streetscape. <input type="checkbox"/> Roof design takes into consideration the views from all sides, not just the street side, so as to have a pleasing appearance from all points of public view. 11. Windows and Doors <ul style="list-style-type: none"> <input type="checkbox"/> Patterns and rhythms of windows and doors maintain a balance, either symmetrical or asymmetrical, which conveys a sense of continuity and unity, and which strengthens the rhythm of existing fenestration along the building streetscape. <input type="checkbox"/> Fenestration design takes into consideration the views from all sides, not just the street side, so as to have a pleasing appearance from all points of public view. 12. Materials <ul style="list-style-type: none"> <input type="checkbox"/> Exterior building skin, roof, windows, doors, and architectural trim are compatible with the predominately natural materials used in much of the community. <input type="checkbox"/> Materials are of durable quality. <input type="checkbox"/> Buildings utilize the same or architecturally harmonious materials for all building walls and other exterior building components on all sides so as to have a pleasing appearance from all points of public view. 13. Color <ul style="list-style-type: none"> <input type="checkbox"/> Colors of surface materials are harmonious with compatible accents and are compatible with surrounding architecture. <input type="checkbox"/> Large expanses of bright "logo" colors that are not harmonious with surrounding architecture are avoided. 14. Mechanical Equipment and Utility Devices <ul style="list-style-type: none"> <input type="checkbox"/> All mechanical equipment is screened from all points of public view. <input type="checkbox"/> Materials used for screening are compatible and complimentary with the building materials. <input type="checkbox"/> Screening is made of durable materials. <p style="text-align: center;">8</p>
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² Downloaded from www.townofcantonct.org/filestorage/6662/7447/7449/7465/Canton_Design_Review_12-04-07.pdf

In communities in which design review commissions are formal institutions of the development application process, they usually review final site plans and submit formal comments to the planning and/or zoning commission as part of the application process. Design review boards can still influence the final site plan through this formal process; however, planning and zoning commissions maintain the final authority over development applications.

Design review commissions fulfill a public education role through their meetings and implementation of the design guidelines. They are frequently the first commission or board that a developer encounters in the development process because of the importance of design in site planning.

How Do Design Review Boards Help Protect Historic Resources?

Design review boards are able to influence historic preservation through the implementation of design guidelines, and the review of proposed development and redevelopment projects. The design review process offers advantages to both developers and communities. Design review boards have an opportunity to influence site design and ensure historic character is maintained by getting involved early in the designing process, as opposed to just reacting to a final site plan. At the same time, developers can save time and money when they seek design review board input prior to completing final site plans.

The extent of the design review board's purview and whether or not the board can require or recommend certain design techniques depends on the design guidelines and review process adopted by the community.

What Are the Most Suitable Applications of Design Review Boards?

Design review boards are useful historic preservation tools, especially when a community can maintain a qualified membership on the board, and there is a clearly defined and respected role for the design review process, whether advisory or formal.

Design review boards are especially helpful when a community is concerned that a certain neighborhood or village is in danger of incompatible development, as the design review process provides a forum for developers and the community to explore alternative layouts and architecture. It is impractical to require any kind of development or redevelopment anywhere in a community to go through a design review process, as that is the role of the zoning commission. However, in localized areas, or types of development, design review boards can help achieve site plans that both the community and developer can support.

Design Overlay Zones

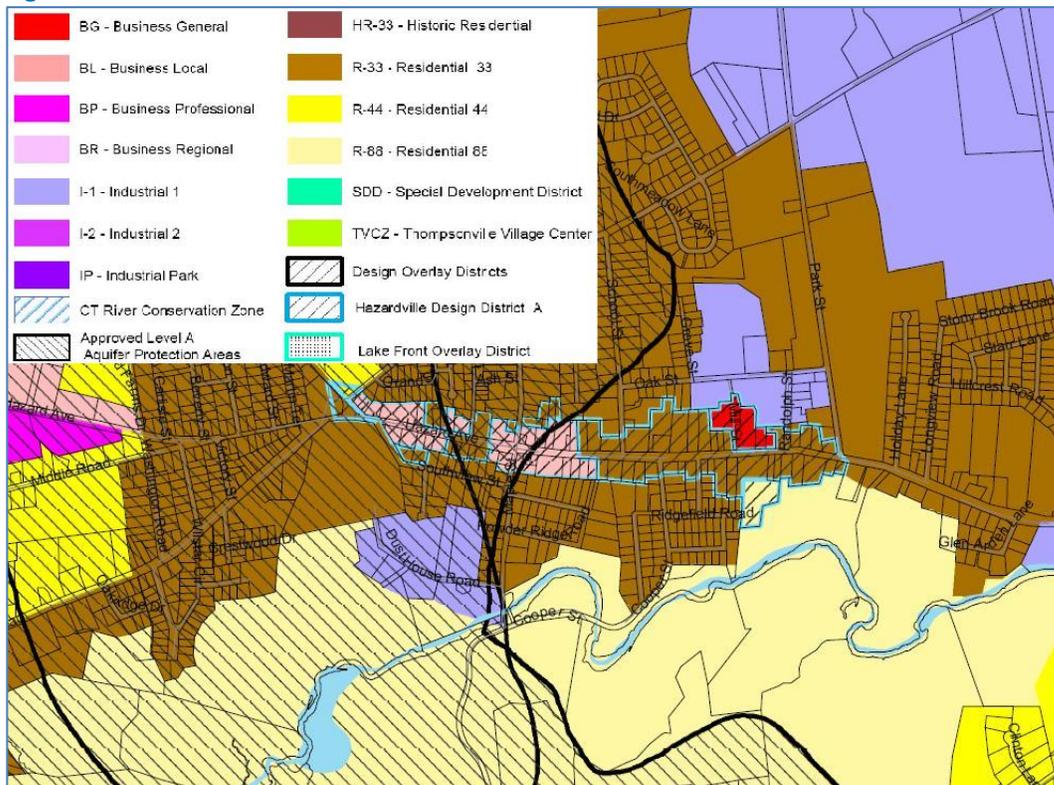


What are Design Overlay Zones?

Design overlay zones are regulatory districts with specific design standards that must be met in addition to the underlying zoning district standards. Connecticut statutes do not expressly allow for the creation of overlay zones; however, it is a widely used zoning technique in this State and around the country.

Overlay zones can apply to particular geographic areas, like village centers, or they can be invoked with certain types of developments. For example, developments containing certain uses, or of certain size, in commercial zones may be allowed under the standards of a design overlay regulation only. Figure 3 shows an example of a geographically determined design overlay district for Hazardville on Enfield's Zoning Map.³ The overlay zone outlined in blue encompasses three different zoning districts.

Figure 3:



Design overlay zones often contain language similar to design guidelines; however, the design standards are legally enforceable regulations tied to a particular district. In addition, the zoning commission is responsible for the enforcement of design overlay zones, whereas design review boards may be responsible for enforcing design guidelines.

³ Downloaded from www.enfield-ct.gov/filestorage/91/12798/797/Zoning_11_30_09_mid.pdf

How Do Design Overlay Zones Help Protect Historic Resources?

Design overlay zones establish regulatory standards for design, which can include historic preservation language. Design overlay zones can require the preservation of important historic features whenever possible, and that new development and redevelopment be compatible with the historic character of the zone.

Historic overlay zones are similar to regulatory design guidelines, but overlay zones are only enforceable by the zoning commission. Some communities have established design review boards, as discussed previously, to oversee implementation of other regulatory design standards to ensure the involvement of design professionals in the review process.

As zoning regulations, design overlay zoning regulations are enforceable with fines of up to \$150 for each day of violation.

What Are the Most Suitable Applications of Design Overlay Zones?

Design overlay zones are most appropriately applied to compact, distinct villages or neighborhoods with a cohesive character that the community strongly wishes to protect through traditional zoning actions. Because they act as zoning districts, design overlay zones are applicable to smaller geographical areas.

Design overlay zones are good tools for communities that want to establish strong design standards to be implemented and enforced by their zoning commissions.

Form-Based Zoning



What is Form-Based Zoning?

Form-based zoning is zoning that establishes strict controls on urban form, or how the built environment looks, rather than land uses. Form-based zoning is believed to support mixed-use, pedestrian friendly development because it grants developers wide latitude in the types of uses permitted on a site, and creates very specific standards for building, site and street design, which rely heavily on graphics and other illustrations.

Form-based codes rely on a regulating plan, as opposed to a zoning map. The regulating plan is generally established around streets, and regulations may transition at the rear of lots. This is because the primary concern of form-based codes is appearance, rather than uses. The Smartcode template for a form-based code discusses transect, essentially regulatory districts that intensify in the level of development from rural to urban, and generally change as one progresses along roadways. This format for a form-based code is illustrated in Figure 4.⁴

Figure 4:



How Can Form-Based Zoning Help Protect Historic Resources?

Form-based zoning is not specifically designed to protect historic resources; however, the regulations could be established to respect historical development patterns and architectural features.

What Is the Most Suitable Application of Form-Based Zoning?

Form-based zoning is appropriate for areas where a community has prioritized design concerns, and where the community is comfortable allowing developers much more freedom in land uses than is customary. This is a rare occurrence in Connecticut, where most communities who have

⁴ Downloaded from www.transect.org/img_lib2.html

explored or are exploring form-based codes prefer hybrid versions that incorporate some traditional regulations on uses.

Village Districts



What are Village Districts?

Village districts are zoning tools that towns may adopt in accordance with *Connecticut General Statutes* §8-2j (see Appendix). Village district regulations require that all development within a defined village district be consistent with other uses in the district. Village district regulations further require any new development or substantial redevelopment visible from public streets and rights-of-way within the district to be reviewed by an architect selected by the zoning commission.

Village district regulations are enforceable by the zoning commission. The state law enables village district regulations to address: “(1) the design and placement of buildings, (2) the maintenance of public views, (3) the design, paving materials and placement of public roadways, and (4) other elements that the commission deems appropriate to maintain and protect the character of the village district.” While some communities have changed *land uses* allowed in villages in the course of enacting village district regulations, it is not necessary to do so. If zoning regulations adequately enable the diversity of commercial and residential land uses a community desires for its village(s), then village district regulations can solely address design and form.

According to the Statutes, zoning commissions must hire a “village district consultant,” who must be an architect, landscape architect or certified planner, to review and make recommendations on all applications for new construction or substantial reconstruction that is visible from a public right-of-way within a village district. In lieu of a village district consultant, a Commission may designate an Architectural Review Board to review applications, provided a design professional serves on that board. Architectural reviews are submitted as formal comments to the zoning commission and are included in the public hearing record. The zoning commission must take the review into consideration when determining whether to approve an application.

How Do Village Districts Help Protect Historic Resources?

Village districts are state-enabled legal tools specifically developed to help communities preserve the unique character of villages and neighborhoods. Historic resources are specifically protected under the village district legislation. In addition, requirements on compatibility in development scale, form and design within village districts serve to protect historic resources. The architectural review process required by village district regulations protects the quality of historic resources through its detailed evaluation of development proposals. Finally, as zoning regulations, village district violations are subject to fines of up to \$150 for each day in violation.

What Are the Most Suitable Applications of Village Districts?

Village districts are most suitable for compact, traditional village centers with distinctive character worthy of protection. Figure 5 shows a street scene from the Rowayton Village District in Norwalk,⁵ a compact village district primarily located along the west side of Rowayton Avenue.

Village Districts are especially good tools for communities that want to establish strong design regulations for specific neighborhoods, enforceable by the zoning commission, and supported by the *Connecticut General Statutes*.

Figure 5:



⁵ Downloaded from Google Streetviews, www.maps.google.com

Historic Districts



What are Historic Districts?

Historic districts are regulatory tools enabled by *Connecticut General Statutes §7-147a et seq* (see Appendix) that help municipalities preserve distinctive historic buildings and other features. Historic districts are not established through zoning. Rather, a town must first study the historic significance of a conceptual district and submit a copy of that study to the

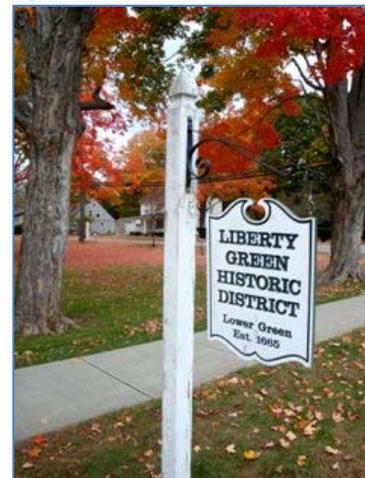
Connecticut Commission on Culture and Tourism, which may recommend changes, approval or disapproval. In addition, two-thirds of the property owners within a proposed historic district must vote in favor of creating the district prior to the local legislative body enacting an ordinance creating the district and historic district commission.

Once created, the historic district commission enforces district regulations. Several activities within a historic district require a “certificate of appropriateness” from the historic district commission, these activities include: 1) new buildings, 2) exterior alterations to existing structures, and 3) new parking for a non-residential use. Historic district commissions must hold public hearing on applications for certificates of appropriateness and have broad latitude in the information they can request from applicants. Historic Districts do not address land uses; therefore, underlying zoning regulations also apply.

Historic district commissions can levy fines for violations of historic district regulations, up to \$100 per day in violation.

Several communities in Connecticut have local historic districts. Some of these local districts are located in National Historic Districts or associated with nationally registered historic places, like the Liberty Green District in Clinton (Figure 6),⁶ which is located in the larger Clinton Village Historic District on the National Register for Historic Places.

Figure 6:



How Do Historic Districts Help Protect Historic Resources?

Historic districts are very strong preservation tools, specifically established to protect historic resources. The process to establish local historic districts inventories significant resources and garners input from state preservation officials. Historic district regulations and the process of obtaining certificates of appropriateness are strong safeguards against the loss of historic resources, features and/or character.

⁶Downloaded from www.cttrust.org/9657

The Connecticut Trust for Historic Preservation has a Circuit Rider program that offers assistance to groups, including local historic district commissions, in protecting historic resources.

What Are the Most Suitable Applications of Historic Districts?

Historic districts are powerful tools that require a lengthy process and the express approval of a majority of property owners to establish. They are most well suited to small geographic areas with significant, intact, documentable historic resources. A community must have significant buy-in from property owners to not only establish an historic district, but also maintain it.

National Register of Historic Places



What is the National Register of Historic Places?

The National Register is a federal program to coordinate and support historic preservation efforts. The main feature of the Register is a list of properties that have been determined to be historically significant by state and federal officials. The program was established under the National Historic Preservation Act of 1966 and is administered by the National Parks Service. More than 80,000 properties around the country are listed on the National Register.⁷

The National Register has established a thorough set of criteria concerning the age and integrity of properties, as well as their historical significance, for determining inclusion on the list. For a property to get listed, it must first be nominated to the State Historic Preservation Office (SHPO). The SHPO then conducts a formal process to evaluate the property, including contacting property owners and conducting a public comment process. The State process takes at least 90 days to complete. If the SHPO determines the nomination to be appropriate, it forwards it to the National Park Service for final review.

Once a property or area is listed on the National Register, it is entered into a public, searchable database that provides detailed information on the location, site features, ownership and historical significance of the property, including photographs. Several properties in Essex are already on the National Register, including the Centerbrook Congregational Church, the Benjamin Bushnell Farm, Hill's Academy, and the Steamboat Dock Site (Connecticut River Museum site), among others.

How Does the National Register of Historic Places Help Protect Historic Resources?

Listing on the National Register provides opportunities for certain federal and state historic grant programs and tax credits, as well as potential leeway from certain Building Code requirements. The nomination process encourages preservation through the research and public commentary process. Generally speaking, the Register is a voluntary program that serves more as an honor than a robust protection tool. Listed properties can obtain bronze plaques identifying the site as a National Register Place.

What Are the Most Suitable Applications of the National Register?

Listing in the National Register of Historic Places is most appropriate on individual properties, or a small group of parcels, where the owners seek to distinguish and promote their property for its historical significance.

⁷ Centerbrook Congregational Church photo downloaded from National Park Service's National Register of historic Places database; <http://www.nps.gov/nr/research/index.htm>

State Register of Historic Places



What is the Connecticut Register of Historic Places?

The State Register is similar to the National Register. It is an official listing of buildings, properties and sites important to the history of Connecticut. The State Historic Preservation Office (SHPO) uses the same criteria as the National Park Service for determining listings. The SHPO has adopted standards that automatically place all properties listed on the National Register of Historic Places and all local historic districts that are favorably recommended by the SHPO on the Connecticut Register of Historic Places. The SHPO also nominates other potential structures and landmarks.⁸

The Connecticut Register maintains information on the location, site features, ownership and historical significance of listed properties. As of right now, those properties are not in a searchable on-line database, like the National Register.

How Does the Connecticut Register of Historic Places Help Protect Historic Resources?

Listing on the Connecticut Register provides recognition for historically important buildings, sites and landmarks in the State. Any State-funded project affecting a listed property must be reviewed by the SHPO. In addition, listing on the Connecticut Register can trigger special consideration under Building and Fire Codes, as well as the American with Disabilities Act. Finally, certain listed properties may qualify for state restoration funds.

Like the National Register, the Connecticut Register is a voluntary program that serves more as an honor than a robust protection tool.

What Are the Most Suitable Applications of the Connecticut Register?

Listing in the Connecticut Register of Historic Places is most appropriate on individual properties, or a small group of parcels, where the owners seek to distinguish and promote their property for its historical significance.

⁸ Pratt House photo downloaded from <http://historicbuildingsct.com>

Tool Uses

The following matrix differentiates the individual tools by their affects on property owners. Because several tools are flexible in their use, there are circumstances in which a tool may or may not apply. For example, some design guidelines make specific recommendations about landscaping, including recommended species. However, not all design guidelines address landscaping. In addition, some design review boards oversee regulatory guidelines, while others are advisory only.

It is important to remember that Village District regulations address development and activity *that is visible from the public right-of-way*. Historic District regulations are not limited to that which is visible from the street. Moreover, historic district regulations are more geared towards buildings and structures than site design. Finally, none of these tools is mutually exclusive. They may be most effective when implemented in combination with one another.

Comparison of Tool Applications

Tool	Change in Land Use (residential, commercial, mixed uses, etc.)	New Development	Rehab/Redevelopment	Building Additions	Demolitions	Site Layout (placement of buildings, parking lots, pedestrian amenities, etc.)	Architecture (style of buildings, building height and bulk, etc.)	Façade Treatments (materials, windows, colors, etc.)	Fencing	Landscaping (species, placement, etc.)	Signs
Design Guidelines		+	★	★		★	★	★	★	★	★
Design Review Boards	◆	+ ×	★ ◆	+ ×		★ ◆	★ ◆	★ ◆	★ ◆	★ ◆	★ ◆
Design Overlay Zoning	◆	×	◆	×		◆	◆	◆		◆	◆
Form-Based Zoning		×	×	×		×	×	×		×	×
Village Districts	◆	×	×	×	×	×	×	×	×	×	×
Historic Districts	◆	×	×	×	×	◆	×	×			×
National Register											
Connecticut Register											

★ = Recommendations *May* Apply
◆ = Regulations *May* Apply

+ = Recommendations *Usually* Apply
× = Regulations *Usually* Apply

Comparison Summary

Tool	Advantages for Historic Preservation	Disadvantages for Historic Preservation
Design Guidelines	Ease of adoption, especially if advisory	Usually not regulatory
	Can address multiple aspects of design and historic preservation	Inability to enforce
	Can apply to diverse types of land uses	Do not necessarily protect historic resources
	Can encompass large geographical areas	
	Can educate public, property owners and developers	
	Proactive approach for facilitating development review process	
Design Review Boards	More influence than design guidelines alone	More involved process to establish
	Qualified advisory board membership can actively educate public, property owners, developers and land use commissions	Costs and considerations surrounding an additional commission - clerk and reporting responsibilities, membership recruitments
	Can address multiple aspects of design and historic preservation	Doesn't necessarily protect historic resources
	Can apply to multiple land uses	
	Can encompass small or large geographical areas	
Design Overlay Zoning Regulations	Regulatory	More involved adoption and amendment process
	Multiple overlay districts can be established to tailor design criteria to unique village/neighborhood characteristics	Zoning Commission enforces?
		Does not necessarily protect historic resources
Form-Based Zoning	Strong design regulations	Involved process to establish
		Less control over land uses
		Does not necessarily protect historic resources

Tool	Advantages for Historic Preservation	Disadvantages for Historic Preservation
Village Districts	Broad range of powers over design control	Focus on what's visible from right-of-way
	Legally enforceable	
	Requires architectural review of proposed development	
	Architectural review completed by third party	
	Focuses on all aspects of design and on historic resources	
	Can encompass multiple uses	
Historic Districts	Strong control over new development or redevelopment/improvements visible from public view	Lengthy and intensive process to establish
	Historic resources specifically protected	Costs and considerations surrounding an additional commission - clerk and reporting responsibilities, membership recruitments
	Can encompass multiple uses	
	State resources help to support	
National Register of Historic Places	Voluntary program	No design standards
	Nomination process heightens awareness for preservation	Does not address new development
	Some financial and permitting incentives for preservation efforts : tax credits, potential grants, building code exemptions	
Connecticut Register of Historic Places	Voluntary program	No design standards
	Nomination process heightens awareness for preservation	Does not address new development
	Some financial and permitting incentives for preservation efforts : tax credits, potential grants, building code exemptions	

Case Studies

Following are examples of how other communities have implemented and use the tools described herein. Regulatory language is included where appropriate, *as an example only*, and is not necessarily recommended for Essex.

Design Guidelines – Simsbury

The Town of Simsbury established a Design Review Board in 1988 to serve as an advisory board to the Planning & Zoning Commission on site and building design. The Town’s 1994 Plan of Conservation and Development recommended that the Design Review Board develop design guidelines for the community. The Design Review Board established the original Design Guidelines in 1994. The *Guidelines for Community Design* were last updated in 2001.

Simsbury’s community design guidelines establish general standards addressing: site context within the natural environment, the community and public spaces; movement within and around sites both vehicular and pedestrian; and site features including architecture, landscaping, lighting and signage. The Guidelines also identify “character places” within the community, the notable features of each and concerns for loss of character within these special areas.

Simsbury’s guidelines are intended to help applicants through the design review process before its Design Review Board. Therefore, they present the host of design issues that applicants should expect to have to address without very specific standards for how to address them. A couple of sample pages from the *Guidelines for Community Design* follow. The entire document is available at:

http://www.town.simsbury.ct.us/public_documents/simsburyCT_Downloads/community_design/DesignGu.pdf

General Standards

Architecture

Rooflines, Facades and Entrances

Are the rooflines simple, functional, and reflective of the broader community building stock?

Does the public face of the building present a clear, well-defined and balanced façade?

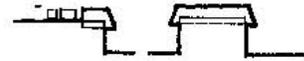
Guidelines:

- Consider rooflines of adjacent properties in the design to avoid clashes in style and materials.
- Form a consistent composition between the roof mass and building façade.
- Reference adjacent building roof details (e.g. dormers, fascias, roof pitches, etc.) when applicable.
- Establish horizontal continuity by referencing adjacent prominent façade detail elevations and rhythms (e.g. brick coursing, mouldings, fenestration, etc.).
- Include architectural detailing and apply it consistently throughout the design. Ensure such detailing is compatible with the historical context.
- Build elements (e.g. protective canopies, stairs, columns, wall or roof projections and recesses, etc.) to human scale at sidewalk level to encourage pedestrian use.
- Avoid false detailing (e.g. mansard roofs, partial HVAC screens, truncated roof structures, etc.), which detracts from a building's integrity.
- Accentuate entrances with strong definition and individual legibility for individual tenants.
- Create an agreeable pedestrian environment, including weather protection, convenience, and safety features.
- Arrange window patterns with a balanced spacing and conscious rhythm.
- Observe historic precedents wherever possible.



Some false fronts are clearly artificial and don't mesh with the street

Some roof lines do not reflect a New England character



Inappropriate Roof Lines



B. Traffic Corridors

- **Bushy Hill Road**
- **Route 10/202**
- **Route 185**

The major north-south traffic route is a linear landscape influenced by history and evolving forms of transportation. Originally a Native American trail (Quinnipiac-Tunxis Trail) paralleling the western bank of the Farmington River, the corridor evolved into an important canal route to New Haven as well as an overland transportation road (College Highway). In the mid 1800s the New Haven Railroad was constructed linking many New England towns en route to Canada. Today Route 10 corresponds to the earlier routes, links the villages of Westogue, Town Center, and Hoskins Station and feeds other major transportation routes both east and west.

Historically the development along this route supported commercial, residential, and industrial mixed-uses. Following World War II, Route 10 experienced the increase of automobile traffic and its associated changes. As the principle commuting route the road was widened for convenience and traffic speed, and various businesses developed in a linear arrangement to serve passing motorists. Typically businesses would grow as extensions of dense settlements. The route north of Hoskins Station represents this linear type of development that grew unchecked. Growth in Town Center, however, had physical limitations - natural "barriers" of river and high ground on the north end, a floodplain toward the east, an industrial complex on the south and high ground toward the west. Westogue remains a pocket settlement surrounded by residentially zoned areas as well as floodplain toward the east. In that way, Town Center maintained its original "village" context of dense settlement pattern with surrounding buffers of open space and watercourse.

The most common landscape elements along a traffic corridor include parking lots and promotional signage to support the commercial activity. Frequently, however, commercial development has little relationship to the



Bushy Hill Road / Route 44



Design Review Board – Wethersfield

The town of Wethersfield established a Design Review Advisory Committee (DRAC) by ordinance in 2004. The purpose of the DRAC is to “encourage higher quality building and site design” by advising the Planning & Zoning Commission. The DRAC reviews certain types of development applications:

- New multi-family structures (four or more residential units)
- Special Residential Developments (SRD), which include
- New commercial constructions
- Any significant exterior building or site improvements that require site plan approval
- Signs

DRAC members are appointed by the Town Council. There must be at least one architect on the Board, and two members with specific education, training or experience in a design or building field. There are a total of five regular members and one alternate.

The DRAC meets regularly and will review preliminary and/or conceptual site plans prior to formal application. In those cases, the DRAC provides a written report with recommendations to the applicant. In the case of a formal application to the Planning & Zoning Commission, the DRAC provides advisory recommendations to the Commission prior to meetings on the application. The DRAC’s comments and recommendations are to be based on the Town’s Design Guidelines, which are an appendix to the Zoning Regulations.

The Design Review Advisory Commission ordinance is provided on the following pages.

ARTICLE XXVII, Design Review Advisory Committee

§ 10-100. Establishment.

- A. A Design Review Advisory Committee is established to advise and help the Planning and Zoning Commission and the Town Council promote and encourage public and private actions to:
 - 1. Encourage the highest quality standard of design and development;
 - 2. Protect the value of all real property within the community;
 - 3. Promote aesthetically pleasing development;
 - 4. Promote the development of a harmonious character in newly developing or redeveloped areas;
 - 5. Preserve the special character of existing neighborhoods; and
 - 6. Thus to promote and protect the public health, safety, convenience and welfare of the community.
- B. The advice of the Design Review Advisory Committee is intended to encourage higher quality building and site design and result in development that is compatible with the character of the community.

§ 10-101. Membership; terms; alternates.

- A. The Design Review Advisory Committee shall be appointed by the Town Council upon an advisory recommendation from the Planning and Zoning Commission.
- B. The Design Review Advisory Committee shall consist of (5) five members, plus (1) one alternate.
- C. To the extent available, at least one (1) regular member shall be an architect and at least two (2) regular members shall be specifically qualified by reason of education, training or experience in landscape architecture, historic preservation, community planning, civil engineering, building trades, graphic arts, the Americans with Disability Act, State Building Codes or other related fields.
- D. Members must be residents of the Town of Wethersfield.
- E. Of the five (5) members and one (1) alternate initially appointed, two (2) regular members and one (1) alternate shall be appointed for an initial two (2) year term to expire January 1, 2007, and three (3) regular members shall be appointed for an initial three (3) year term to expire January 1, 2008. All subsequent appointments of members and alternates shall be for terms of three (3) years.
- F. The Design Review Advisory Committee shall adopt its own rules and procedures, the method of selection of its officers and the establishment of meeting schedules.
- G. A quorum shall consist of three (3) members.

§ 10-102. Removal of members.

Any member of the Design Review Advisory Committee may be removed by the Town Council for cause and, on request of such member, after public hearing.

§ 10-103. Compensation.

The members of the Design Review Advisory Committee shall receive no compensation for their services as such but shall be reimbursed for their necessary expenses incurred in the performance of their official duties, subject to budgetary limitations.

§ 10-104. Employees.

The Design Review Advisory Committee may appoint employees necessary for the discharge of its duties, subject to budgetary limitations and relevant Charter provisions.

§ 10-105. Powers and duties.

- A. The Design Review Advisory Committee shall review all applications or project plans referred and shall consider the Design Guidelines contained within Appendix C to the Wethersfield Zoning Regulations when reviewing projects.
- B. Reports from the Design Review Advisory Committee shall be advisory and not compulsory to the Planning and Zoning Commission or the Town Council, which has final approval authority for the applications.

§ 10-106. Procedure.

- A. The Design Review Advisory Committee shall meet at regularly scheduled meetings to consider applications referred to it.
- B. Applicants are encouraged to submit preliminary or conceptual plans to the Design Review Advisory Committee for review and comment prior to a formal submission to the Planning and Zoning Commission. In such instance, the Design Review Advisory Committee shall submit a report, together with its recommendations and suggestions, to the applicant no later than twenty (20) days after receipt thereof.
- C. The Design Review Advisory Committee shall submit its advisory recommendations to the Planning and Zoning Commission in writing at least five (5) days prior to a meeting by the Planning and Zoning Commission on any application.
- D. The written report shall, to the extent feasible, include specific recommendations regarding plan modifications which the Committee finds desirable based on the standards and criteria outlined in the zoning regulations and the Design Guidelines found in Appendix C to the Wethersfield Zoning Regulations.
- E. The Planning and Zoning Commission shall not be required to delay its action on an application due to the failure of the Design Review Advisory Committee to act in a timely manner.

§ 10-107. Coordination with other town bodies.

The Design Review Advisory Committee shall coordinate its activities with the Planning and Zoning Commission and with other interested officials and agencies of the Town. The Design Review Advisory Committee may invite any person not a member of the Committee to attend

and participate in its meetings and deliberations. Such invited person or persons shall have no vote on the actions of the Design Review Advisory Committee.

§ 10-108. Advertising.

The Design Review Advisory Committee may advertise and may prepare, print and distribute books, maps, charts and pamphlets which, in its judgment, will further its official purposes, subject to budgetary limitations. These materials shall be referred to the Planning and Zoning Commission and Town Council prior to distribution.

§ 10-109. Appropriations.

In the performance of its duties and in the exercise of its powers aforesaid, the Design Review Advisory Committee shall not incur any expenses or obligate the Town to pay any expense in excess of the funds appropriated by the Town Council for such purpose.

Design Overlay Zoning – Enfield

The Hazardville Design Overlay Zone was adopted in 2003, following a study of the area. Hazardville is a traditional mixed-use, New England village within the Town of Enfield whose history is intertwined with a nearby gunpowder factory. Its main thoroughfare is state route 190 and experiences high traffic volumes.

The initial overlay regulations established additional standards for lot size, yard requirements, building design and architectural details. The Planning & Zoning Commission amended the regulation in 2008 to incorporate the Hazardville Study Design Review Guidelines. The Guidelines were added to the Regulations as an Appendix and the Overlay District Regulations require applicants to document how the Hazardville Study Design Review Guidelines were considered in the application.

The provisions of the Hazardville Design Overlay Zone are in addition to the underlying zoning standards which Residential, Local Business and General Business Zones. The Planning & Zoning Commission administers these provisions as they do any other zoning district regulations. The Hazardville Design Overlay Zoning Regulations are provided below. To see the Hazardville Study Design Review Guidelines, visit:
www.enfield-ct.gov/filestorage/91/12798/797/Hazardville_Design_Guide.pdf.

Enfield Zoning Regulations

Section 8.70 Hazardville Design Districts

A. Purpose: These use and design standards contained herein are intended to promote a variety of residential and commercial uses which will complement and enhance the existing historical character of the Hazardville section of Enfield. The standards contained herein shall apply to the Hazardville Design District A as shown on the Zoning Map. The standards for the overlay design district shall be in addition to the requirements of the underlying zone.

B. Special Standards for the HDDA Overlay District:

- i) All requirements of Section 4.20 regarding Home Occupations, Home Professional Offices shall apply to properties zoned R-33 except that within the HDDA, there shall be no limitation as to non-resident employees/employer. Additionally, any structure proposed for such use shall have such use limited to the ground floor of the structure and the second floor shall be devoted to residential use.
- ii) Any property located within the HDDA shall also be designated as being in the Limited Office District under the provisions of Section 5.70 of the Zoning Regulations.
- iii) Any property located within the HDDA may apply for development approval under a Planned Design Special Permit. Such special permit may allow a use of land, buildings and other structures, and related site development, not permitted within the existing zoning district where the lot is located but which would be beneficial to and consistent with the orderly development of the Town and the

neighborhood, and consistent with the purposes of these Regulations and the Plan of Conservation and Development. In order to be approved for a PDSP, the proposed development must be shown to accomplish the following:

- a) Successfully addresses a specific goal for Hazardville as contained in the Plan of Conservation & Development.
- b) Provides for a new or renovated building the design of which complements and improves the appearance of Hazardville.
- c) Provides pedestrian amenities such as gathering areas, sidewalk cafes, new sidewalks or extensions thereof.
- d) Provides a service or business to address the needs of the neighborhood.
 - iv) Planned Design Special Permits shall require applications for Site Plan and Special Permit approval. Applications shall also include a narrative statement detailing the uses proposed, the lot, building, and yard requirements proposed for the property, and the manner, if any, in which such uses and standards differ from those of the underlying zone.
 - v) Minimum lot size required for a PDSP is 1 acre.
 - vi) Permitted sign areas for attached and free standing signs may be increased by 20% when the Commission determines that the design of the sign has incorporated appropriate historical details relevant to the Hazardville area.
 - vii) New or expanded residential structures may observe a 15 foot front yard setback providing that the new or expanded structure incorporates an open porch along the full frontage of the structure, and that the width of the structure along the frontage is at least 85% of the width of the widest part of the structure parallel to Hazardville Avenue.

C. Building Design Elements: Materials, texture, and color used on the exterior walls and roofs shall be those associated with traditional New England architecture. Preferred building materials shall be brick, stone, and wood including narrow width siding, clapboards, wood shingles, or reasonable equivalents.

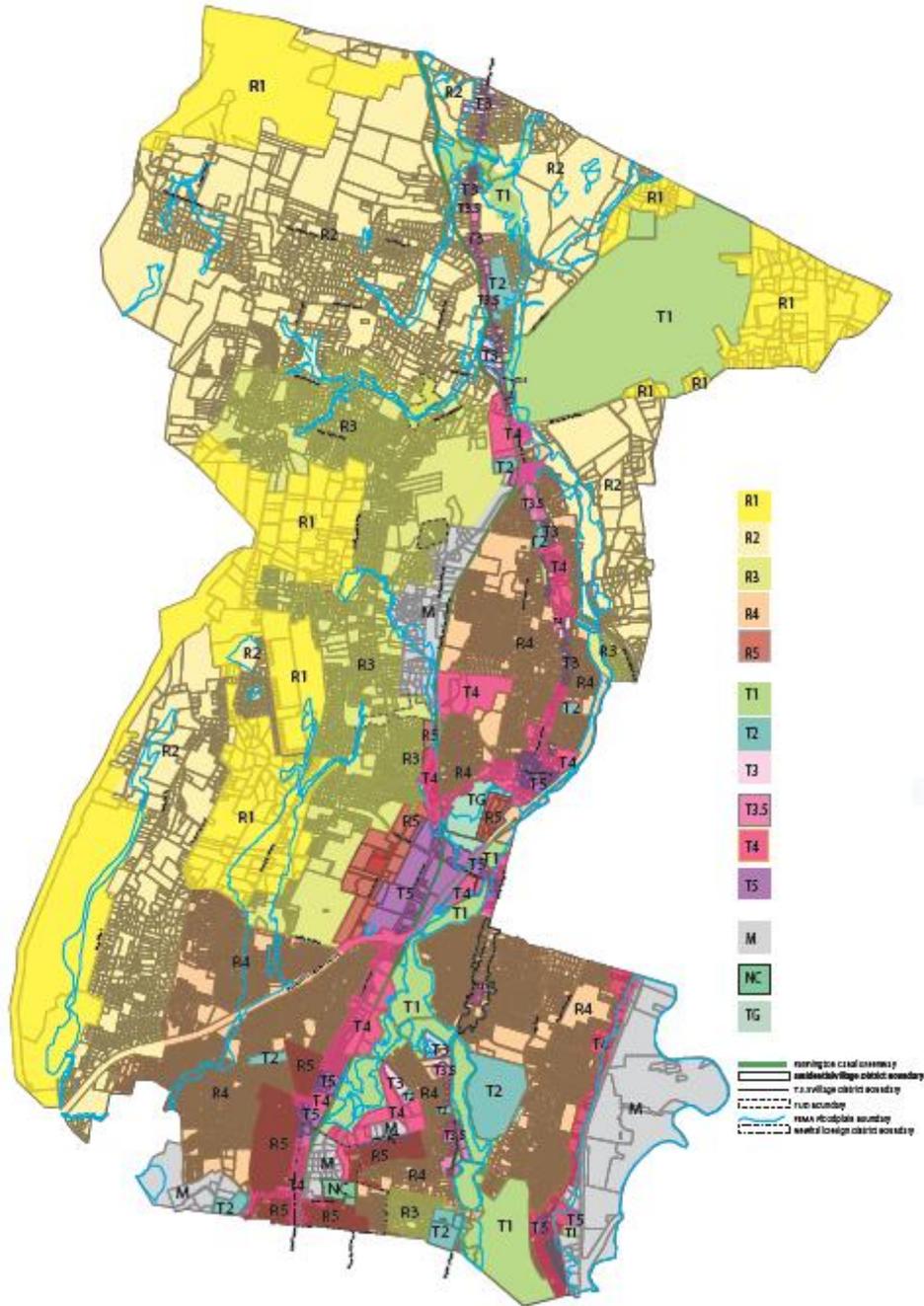
D. Architectural Details: Architectural details characteristic of the particular style and period proposed should be incorporated into the design for any new construction and should relate harmoniously to adjacent buildings. It is not intended that the architectural details of old buildings be duplicated precisely, but they should be regarded as suggestive of the extent, nature and scale of details that would be appropriate on new buildings or alterations. Desirable architectural features, where appropriate for a particular style, include gabled roofs, multi-pane windows, chimneys, porches, shutters, gothic arches, white columns and entablature, and fanlights. Examples of designed architectural style include Colonial, Georgian, Federal, Greek Revival, Romantic Revival and Victorian styles. Stonewalls, picket-type fences, wrought iron fences, and decorative wrought iron street-furniture are encouraged.

Enfield Zoning Regulations

E. In addition to the standards set forth above and in the evaluation criteria found in Article IX of these regulations all applications for development within the Hazardville Design District A as shown on the Enfield Zoning Map shall contain a review of the application's consideration of the guidelines contained in the Hazardville Study Design Review Guide which is found in the appendix of these Regulations.

Form-Based Zoning - Hamden

The Town of Hamden adopted form-based zoning primarily for the Whitney Avenue (Route 10) corridor in 2010 (see “Transect,” or “T” zones in Zoning Map below).



ZONING DISTRICT MAP TOWN of HAMDEN, CT

Adopted - December 7, 2009 Amended - March 23, 2010

The transect zoning concept is intended to develop distinct neighborhoods with mixed-use, pedestrian friendly centers at particular nodes. Between nodes, more rural patterns of development are encouraged. Hamden expresses the ideals that this “smart code” concept seeks to achieve in it’s transect zoning purpose statement provided below.

The regulations are contained in Article III of the Zoning Regulations, available on the Town’s website at:

www.hamden.com/filestorage/7089/7093/7091/7121/7242/Hamden_Zoning_Regulations_Effective_08-15-10.pdf

Hamden Zoning Regulations

Section 300 PURPOSE

The purpose of this section is to enable and encourage the implementation of the following policies with the use of Transect Zones throughout the Town:

- a. Future development in neighborhoods and regional centers shall be compact, pedestrian-oriented and mixed-use;
- b. Ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive;
- c. Interconnected networks of streets should be designed to disperse traffic and reduce the length of automobile trips;
- d. Within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes;
- e. Civic, institutional and commercial activity should be embedded in downtowns, not isolated in remote single-use complexes;
- f. Schools should be sized and located to enable children to walk or bicycle to them;
- g. A range of open space including parks, squares and playgrounds should be distributed between neighborhoods.

Village District – Old Lyme

The Old Lyme Zoning Commission adopted the Sound View Village District in 2005, after years of study. The Economic Development Commission had originally commissioned a study of this shoreline area to review potential improvements. With input from property owners, residents, the Board of Selectmen, Zoning Commission, Economic Development Commission, and the regional planning agency, the Town determined that a village district regulation would best enable the community’s goals for Sound View. The Village District encompasses a traditional shoreline center of mixed uses, small-scale residential and commercial, focused on beaches and recreation.

The Sound View Village District regulations generally follow the State Statutes enabling such districts. They establish a site review process that affords the Zoning Commission more site-specific discretion and includes outside architectural review. The regulations also establish lot size, yard requirements, and use standards, as is typical of any district regulations. As Sound View is a busy recreational area in the summer, the regulations include very detailed provisions on parking requirements, sidewalks and noise levels.

The entire Sound View Village District Regulation can be found in Section 5.13 of the Old Lyme Zoning Code, at www.oldlyme-ct.gov/Pages/OldLymeCT_BComm/zoningdoc/zoningregs. The purpose statement is provided below:

Old Lyme Zoning Regulations

5.13 Sound View Village District (SVDD)

5.13.1 Statement of Purpose. The Sound View Area of Old Lyme is a compact, sea-side community with a mix of smaller-scaled residential and commercial activities focusing on the recreational uses of the beaches at the southern end of Hartford Avenue and serving as an entertainment and commercial center for the surrounding residential communities. Commercial activity is located primarily along the Hartford Avenue corridor, fronting on Hartford Avenue.

In accordance with Connecticut General Statutes Section 8-2j, the Sound View Village District (SVVD) is intended to retain and enhance the distinctive character and scale of this sea-side community within the capacity of the land to support such development. The area is characterized by a compatible mix of smaller-scale residential and commercial uses and a physical design that maintains an open, airy, light-filled sea-side community quality. These Regulations encourage safe and healthy use of the area by providing for limited recreational opportunities and quiet enjoyment of the area’s natural resources by residents and visitors within a family atmosphere. Further, the intent of these Regulations is to preserve the basic mix of residential and non-residential uses within the SVVD, and, in accordance with Connecticut General Statutes Section 8-2 and 8-2g, to encourage the creation of additional dedicated affordable housing within the Town.

All development in the SVVD shall be designed to achieve the following compatibility objectives: (1) The building and layout of buildings and included site

improvements shall reinforce existing buildings and streetscape patterns, and the placement of buildings and included site improvements shall assure there is no adverse impact on the district; (2) proposed streets shall be connected to the existing district road network wherever possible; (3) open spaces within the proposed development shall reinforce open space patterns of the district in form and siting; (4) locally significant features of the site, such as distinctive buildings or sight lines of vistas from within the district, shall be integrated into the site design; (5) the landscape design shall complement the district's landscape patterns; (6) the exterior signs, site lighting, and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings; and, (7) the scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.

The creation of the SVVD does not supplant the variance process. The SVVD establishes an area of the Town where special land use and design provisions can be invoked by way of the Special Permit process. Where the accommodations possible under the SVVD Regulations are insufficient or not applicable, the variance process is still a viable alternative.

For uses within the SVVD, the Commission encourages applicants to consider the use of shared septic systems for the disposal of effluent as means to enhance land use flexibility.

Historic District - Old Saybrook

The Town of Old Saybrook adopted an ordinance establishing the North Cove Historic District in 1985 (see map of District below). The Town rejected a second historic district in 2006 for the South Green area; however, the Historic District Commission remains active with North Cove Historic District twenty-six years after its creation.

The North Cove Historic District is governed by a five-member, three-alternate Historic District Commission, as established by state statutes. The Board of Selectmen appoints Commission members and alternates for five year terms; at least three members and one alternate must own property within the Historic District. The Commission meets monthly, or as warranted by applications for Certificates of Appropriateness.

The Old Saybrook Historic District Commission recently amended its Regulations to require A-2 surveys with certain applications.

The Historic District Commission’s website contains its By-Laws, Regulations, application forms and meeting minutes from the past five years. The website is: www.oldsaybrookct.org/Pages/OldSaybrookCT_HDC/index.



Source: www.oldsaybrookct.org/Pages/OldSaybrookCT_HDC/index

Appendix

Connecticut General Statutes §8-2j, Village Districts

Sec. 8-2j. Village districts. Compatibility objectives with other uses in immediate neighborhood. Applications. Village district consultant.

(a) The zoning commission of each municipality may establish village districts as part of the zoning regulations adopted under section 8-2 or under any special act. Such districts shall be located in areas of distinctive character, landscape or historic value that are specifically identified in the plan of conservation and development of the municipality.

(b) The regulations establishing village districts shall protect the distinctive character, landscape and historic structures within such districts and may regulate, on and after the effective date of such regulations, new construction, substantial reconstruction and rehabilitation of properties within such districts and in view from public roadways, including, but not limited to, (1) the design and placement of buildings, (2) the maintenance of public views, (3) the design, paving materials and placement of public roadways, and (4) other elements that the commission deems appropriate to maintain and protect the character of the village district. In adopting the regulations, the commission shall consider the design, relationship and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view. The regulations shall establish criteria from which a property owner and the commission may make a reasonable determination of what is permitted within such district. The regulations shall encourage the conversion, conservation and preservation of existing buildings and sites in a manner that maintains the historic or distinctive character of the district. The regulations concerning the exterior of structures or sites shall be consistent with: (A) The "Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", revised through 1990, as amended; or (B) the distinctive characteristics of the district identified in the municipal plan of conservation and development. The regulations shall provide (i) that proposed buildings or modifications to existing buildings be harmoniously related to their surroundings, and the terrain in the district and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification, (ii) that all spaces, structures and related site improvements visible from public roadways be designed to be compatible with the elements of the area of the village district in and around the proposed building or modification, (iii) that the color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping, and (iv) that the removal or disruption of historic traditional or significant structures or architectural elements shall be minimized.

(c) All development in the village district shall be designed to achieve the following compatibility objectives: (1) The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district; (2) proposed streets shall be connected to the

existing district road network, wherever possible; (3) open spaces within the proposed development shall reinforce open space patterns of the district, in form and siting; (4) locally significant features of the site such as distinctive buildings or sight lines of vistas from within the district, shall be integrated into the site design; (5) the landscape design shall complement the district's landscape patterns; (6) the exterior signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings; and (7) the scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.

(d) All applications for new construction and substantial reconstruction within the district and in view from public roadways shall be subject to review and recommendation by an architect or architectural firm, landscape architect, or planner who is a member of the American Institute of Certified Planners selected and contracted by the commission and designated as the village district consultant for such application. Alternatively, the commission may designate as the village district consultant for such application an architectural review board whose members shall include at least one architect, landscape architect or planner who is a member of the American Institute of Certified Planners. The village district consultant shall review an application and report to the commission within thirty-five days of receipt of the application. Such report and recommendation shall be entered into the public hearing record and considered by the commission in making its decision. Failure of the village district consultant to report within the specified time shall not alter or delay any other time limit imposed by the regulations.

(e) The commission may seek the recommendations of any town or regional agency or outside specialist with which it consults, including, but not limited to, the regional planning agency, the municipality's historical society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

(f) If a commission grants or denies an application, it shall state upon the record the reasons for its decision. If a commission denies an application, the reason for the denial shall cite the specific regulations under which the application was denied. Notice of the decision shall be published in a newspaper having a substantial circulation in the municipality. An approval shall become effective in accordance with subsection (b) of section 8-3c.

(g) No approval of a commission under this section shall be effective until a copy thereof, certified by the commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision, is recorded in the land records of the town in which such premises are located. The town clerk shall index the same in the grantor's index under the name of the then record owner and the record owner shall pay for such recording.

(P.A. 98-116; P.A. 00-145, S. 1; P.A. 01-195, S. 110, 111, 181.)

History: P.A. 00-145 divided existing Subsec. (a) into Subsecs. (a) and (b) and existing Subsec. (c) into Subsecs. (d) and (e), amended Subsec. (a) to require districts to be located in areas identified on the plan of conservation and development, amended Subsec. (d) to include landscape architects and planners in review and authorize an architectural review board to act as the village district consultant, deleted

former Subsec. (e) which had defined "neighborhood", inserted new provisions as Subsec. (f) re approval or disapproval, relettered former Subsec. (d) as (g) and made numerous technical changes throughout; P.A. 01-195 made technical changes in Subsecs. (d) and (f), effective July 11, 2001.

Connecticut General Statutes §7-147a et seq., Historic Districts

Sec. 7-147a. Historic districts authorized. Definitions.

(a) As used in this part: "Altered" means changed, modified, rebuilt, removed, demolished, restored, razed, moved or reconstructed; "erected" means constructed, built, installed or enlarged; "exterior architectural features" means such portion of the exterior of a structure or building as is open to view from a public street, way or place; "building" means a combination of materials forming a shelter for persons, animals or property; "structure" means any combination of materials, other than a building, which is affixed to the land, and shall include, but not be limited to, signs, fences and walls; "municipality" means any town, city, borough, consolidated town and city or consolidated town and borough; "appropriate" means not incongruous with those aspects of the historic district which the historic district commission determines to be historically or architecturally significant.

(b) Any municipality may, by vote of its legislative body and in conformance with the standards and criteria formulated by the Connecticut Commission on Culture and Tourism, establish within its confines an historic district or districts to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places associated with the history of or indicative of a period or style of architecture of the municipality, of the state or of the nation.

(c) The legislative body of any municipality may make appropriations for the purpose of carrying out the provisions of this part.

(1961, P.A. 430, S. 1; February, 1965, P.A. 221, S. 2; P.A. 80-314, S. 1; P.A. 86-105, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30.)

History: 1965 act added provision requiring district to conform to standards and criteria of historical commission; P.A. 80-314 added Subsec. (a) containing definitions and divided earlier provisions into Subsecs. (b) and (c); P.A. 86-105 added definition of "appropriate" in Subsec. (a); June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism.

Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. Cited. 196 C. 596.

Subsec. (a):

Includes objects embedded in the earth, such as posts, stakes and foundations connected to objects

rising above the surface and very heavy objects "affixed" to the ground by gravity, but not isolated objects that rest lightly on the surface of the ground that can easily be moved. 282 C. 672.

Sec. 7-147b. Procedure for establishment of historic district. Prior to the establishment of an historic district or districts, the following steps shall be taken:

(a) The legislative body shall appoint or authorize the chief elected official of the municipality to appoint an historic district study committee for the purpose of making an investigation of a proposed historic district or districts. The legislative body of a municipality which proposes to establish more than one district may establish more than one committee if the proposed districts are not contiguous to each other nor to any existing historic district. Each committee established under the provisions of this section shall consist of five regular and three alternate members who shall be electors of the municipality holding no salaried municipal office. Such alternate members shall, when seated as provided in this section, have all powers and duties of a member of the committee. If a regular member of such committee is absent or has a conflict of interest, the chairman of the committee shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(b) The historic district study committee shall investigate and submit a report which shall include the following: (1) An analysis of the historic significance and architectural merit of the buildings, structures, places or surroundings to be included in the proposed historic district or districts and the significance of the district as a whole; (2) a general description of the area to be included within the district or districts, including the total number of buildings in each such district or districts listed according to their known or estimated ages; (3) a map showing the exact boundaries of the area to be included within the district or districts; (4) a proposed ordinance or proposed ordinances designed to create and provide for the operation of an historic district or districts in accordance with the provisions of this part; (5) such other matters as the committee may deem necessary or advisable.

(c) The historic district study committee shall transmit copies of its report to the Connecticut Commission on Culture and Tourism, the planning commission and zoning commission, or the combined planning and zoning commission, of the municipality, if any, and, in the absence of such a planning commission, zoning commission or combined planning and zoning commission, to the chief elected official of the municipality for their comments and recommendations. In addition to such other comments and recommendations as it may make, the Connecticut Commission on Culture and Tourism may recommend either approval, disapproval, modification, alteration or rejection of the proposed ordinance or ordinances and of the boundaries of each proposed district. Each such commission, board or individual shall deliver such comments and recommendations to the committee within sixty-five days of the date of transmission of such report. Failure to deliver such comments and recommendations shall be taken as approval of the report of the committee.

(d) The historic district study committee shall hold a public hearing on the establishment of a proposed historic district or districts not less than sixty-five nor more than one hundred thirty days after the transmission of the report to each party as provided in subsection (c) of this section, except that, if all such parties have delivered their comments and recommendations to the committee, such hearing may be

held less than sixty-five days after the transmittal of the report. The comments and recommendations received pursuant to subsection (c) of this section shall be read in full at the public hearing.

(e) Notice of the time and place of such hearing shall be given as follows: (1) Written notice of the time, place and purpose of such hearing, postage prepaid, shall be mailed to the owners of record of all real property to be included in the proposed historic district or districts, as they appear on the last-completed grand list, at the addresses shown thereon, at least fifteen days before the time set for such hearing, together with a copy of the report of the historic district study committee or a fair and accurate synopsis of such report. A complete copy of the report, a copy of all recommendations made under subsection (c) of this section, a map showing the boundaries of the area to be included in the proposed district and a copy of the proposed ordinance shall be available at no charge from the town clerk during business hours or shall be mailed, upon request, to any owner of record of real property in the proposed historic district or districts with the notice of the hearing; and (2) by publication of such notice in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least twice, at intervals of not less than two days, the first not more than fifteen days nor less than ten days and the last not less than two days before such hearing.

(f) The historic district study committee shall submit its report with any changes made following the public hearing, along with any comments or recommendations received pursuant to subsection (c) of this section, and such other materials as the committee may deem necessary or advisable to the legislative body and the clerk of the municipality within sixty-five days after the public hearing.

(g) The clerk or his designee shall, not later than sixty-five days from receipt of such report, mail ballots to each owner of record of real property to be included in the proposed district or districts on the question of creation of an historic district or districts, as provided for in sections 7-147a to 7-147k, inclusive. Only an owner who is eighteen years of age or older and who is liable, or whose predecessors in title were liable, to the municipality for taxes on an assessment of not less than one thousand dollars on the last-completed grand list of the municipality on real property within the proposed district, or who would be or would have been so liable if not entitled to an exemption under subdivision (7), (8), (10), (11), (13), (14), (15), (16), (17), (20), (21), (22), (23), (24), (25), (26), (29) or (49) of section 12-81, may vote, provided such owner is the record owner of the property, thirty days before the ballots must be returned. Any tenant in common of any freehold interest in any land shall have a vote equal to the fraction of his ownership in said interest. Joint tenants of any freehold interest in any land shall vote as if each joint tenant owned an equal, fractional share of such land. A corporation shall have its vote cast by the chief executive officer of such corporation or his designee. No owner shall have more than one vote.

(h) The form of the ballot to be mailed to each owner shall be consistent with the model ballot prepared by the Historic Preservation Council of the Connecticut Commission on Culture and Tourism established pursuant to section 10-409. The ballot shall be a secret ballot and shall set the date by which such ballots shall be received by the clerk of the municipality. The ballots shall be mailed by first class mail to each owner eligible to vote in such balloting at least fifteen days in advance of the day on which ballots must be returned. Notice of balloting shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than

two days before the day on which the ballots must be returned. Such ballot shall be returned to the municipal clerk, inserted in an inner envelope which shall have endorsed on the face thereof a form containing a statement as follows: "I, the undersigned, do hereby state under the penalties of false statement that I am an owner of record of real property to be included in the proposed historic district and that I am, or my predecessors in title were, liable to the municipality for taxes on an assessment of not less than one thousand dollars on the last grand list of the municipality of real property within the district, or who would be or would have been so liable if not entitled to an exemption under subdivision (7), (8), (10), (11), (13), (14), (15), (16), (17), (20), (21), (22), (23), (24), (25), (26), (29) or (49) of section 12-81." Such statement shall be signed and dated. Any person who intentionally falsely signs such ballot shall be guilty of false statement as provided in section 53a-157b. The inner envelope, in which the ballot has been inserted by the owner, shall be returned to the municipal clerk in an outer envelope endorsed on the outside with the words: "Official ballot". Such outer envelope shall also contain, in the upper left corner of the face thereof, blank spaces for the name and return address of the sender. In the lower left corner of such outer envelope, enclosed in a printed box, there shall be spaces upon which the municipal clerk, before issuance of the ballot and envelopes, shall inscribe the name, street and number of the elector's voting residence and the date by which the ballot must be returned, and before issuance the municipal clerk shall similarly inscribe such envelope with his name and address for the return thereof. All outer envelopes shall be serially numbered. The ballots shall be returned to the municipal clerk by the close of business on the day specified, and such clerk shall compare each ballot to the list of property owners to whom such ballots were mailed to insure that each such ballot has been properly signed and returned.

(i) If two-thirds of all property owners voting cast votes in the affirmative, the legislative body of the municipality shall by majority vote take one of the following steps: (1) Accept the report of the committee and enact an ordinance or ordinances to create and provide for the operation of an historic district or districts in accordance with the provisions of this part; (2) reject the report of the committee, stating its reasons for such rejection; (3) return the report to the historic district study committee with such amendments and revisions thereto as it may deem advisable, for consideration by the committee. The committee shall submit an amended report to the legislative body within sixty-five days of such return. The committee need not hold a public hearing other than the one provided for in subsection (d) of this section, notwithstanding any changes in its report following such hearing, unless the legislative body has recommended a change in the boundaries of the proposed district or districts. The legislative body of the municipality may authorize another ballot of the owners within a proposed district or districts to be cast, other than the balloting provided for in subsection (g) of this section, notwithstanding any changes in the proposed ordinance following such balloting, if the boundaries of the proposed district in which the owners' property is situated are changed.

(j) Any ordinance, or amendment thereof, enacted pursuant to this part, which creates or alters district boundaries, shall contain a legal description of the area to be included within the historic district. The legislative body, when it passes such an ordinance, or amendment thereof, shall transmit to the municipal clerk a copy of the ordinance or amendment thereof. Such ordinance, or amendment thereof, shall be recorded in the land records of the municipality in which such real property is located and indexed by the municipal clerk in the grantor index under the names of the owners of record of such property.

(1961, P.A. 430, S. 2; 1963, P.A. 600, S. 1; P.A. 75-52; P.A. 77-338, S. 1; P.A. 80-314, S. 2; P.A. 87-

167; P.A. 91-135, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 210(e), 235; P.A. 04-20, S. 3; 04-205, S. 5; 04-257, S. 4; May Sp. Sess. P.A. 04-2, S. 30.)

History: 1963 act amended Subsec. (c) to extend time for recommendations after receipt of report from 60 to 90 days and to authorize Connecticut historical commission to recommend re boundaries of proposed districts, amended Subsec. (d) to extend time within which hearing is to be held, amended Subsec. (e) to provide for sending a copy or synopsis of the study committee's report, together with a copy of the recommendations under Subsec. (c), a map and a copy of the proposed ordinance to property owners, amended Subsec. (f) to provide for inclusion of list of all buildings in report of committee and amended Subsec. (g) to provide for balloting by property owners; P.A. 75-52 added Subsec. (i) re ordinance contents; P.A. 77-338 deleted requirement in Subsec. (d) that hearing be held not less than 120 days after report; P.A. 80-314 amended Subsec. (a) to allow more than one committee and to include provisions for alternate members, amended Subsec. (b) to include in requirements for report consideration of architectural merit, description of area to be included, map of exact boundaries, proposed ordinance etc., amended Subsec. (c) to include combined planning and zoning commissions and to replace previous provision requiring that recommendations be read at hearing with provision for turning over recommendations to committee, amended Subsec. (d) to require that hearing be held not less than 65 days after report sent to commissions unless conditions specified in exception are met, amended Subsec. (e) to require 15 rather than 20 days' notice and to allow towns to have available on request rather than to automatically send out complete report and other data, amended Subsec. (f) to change deadline from 60 to 65 days and deleted specific accounting of report contents, amended Subsec. (g) to set deadline for mailing ballots and to replace general provisions for voting and action on result with detailed provisions for voting, deleted former Subsec. (h) re proposed amendments to ordinance replacing it with further voting detail, added Subsec. (i) re actions taken following vote and relettered former Subsec. (i) as Subsec. (j) and added requirement that copy of ordinance be sent to municipal clerk; P.A. 87-167 amended Subsec. (i) to reduce the affirmative vote requirement from 75% to two-thirds of all owners voting; P.A. 91-135 amended Subsec. (g) to transfer authority to mail ballots from the legislative body to the town clerk or his designee and amended Subsec. (h) to require that the ballot be consistent with a model ballot prepared by the Connecticut historical commission; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film in Subsec. (c), and June 30 Sp. Sess. P.A. 03-6 also amended Subsec. (h) to substitute Historic Preservation Council of Connecticut Commission on Arts, Tourism, Culture, History and Film for Connecticut Historical Commission, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism; P.A. 04-257 made technical changes in Subsec. (h), effective June 14, 2004.

Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. Cited. 196 C. 596. Cited. 227 C. 71.

Subsec. (a):

Cited. 43 CS 297.

Subsec. (g):

Each condominium unit owner "entitled to a vote proportionate to his freehold interest in the land ..." 196 C. 596.

Sec. 7-147c. Historic district commission. (a) Once an historic district has been established, the historic district study committee shall cease to exist and thereafter an historic district commission shall perform all the functions of the committee relative to the new district and to administering the provisions of this part.

(b) The historic district commission may from time to time, by following the procedure for creation of an historic district provided for in section 7-147b, suggest that an historic district be enlarged or that additional districts be created. Where additional property is to be included within an existing district, the owners of such additional property shall vote pursuant to subsection (g) of section 7-147b.

(c) Notwithstanding the provisions of section 7-147b, the legislative body of the municipality may enact amendments to the ordinance or ordinances of an historic district established pursuant to this part if such amendments do not involve changing district boundaries or the creation of new districts. No amendment shall be enacted until the substance of such amendment has first been submitted to the historic district commission having jurisdiction over the district affected for its comments and recommendations and either its comments and recommendations have been received or sixty-five days have elapsed without receipt of such comments and recommendations. The historic district commission may suggest amendments to the legislative body.

(d) The historic district commission established under the provisions of this part shall consist of five regular and three alternate members, who shall be electors of the municipality in which the district is situated holding no salaried municipal office. The ordinance shall provide that one or more of the members or alternates of the historic district commission shall reside in an historic district under the jurisdiction of the commission, if any persons reside in any such district and are willing to serve on such commission. Such alternate members shall, when seated as provided in this section, have all powers and duties of a member of the commission. If a regular member of said commission is absent or has a conflict of interest, the chairman of the commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting. The method of appointment shall be fixed by ordinance. The appointments to membership in the commission shall be so arranged that the term of at least one member shall expire each year, and their successors shall be appointed in like manner for terms of five years. Vacancies shall be filled for the unexpired term and in the same manner as the original appointment. The commission shall elect annually a chairman, a vice-chairman and a clerk from its own number. Each member and alternate shall continue in office until his successor is duly appointed. All members and alternates shall serve without compensation. Any member or alternate may be appointed for another term or terms.

(e) The historic district commission shall adopt rules of procedure not inconsistent with the provisions of this part. The commission may adopt regulations not inconsistent with the provisions of this part to provide guidance to property owners as to factors to be considered in preparing an application for a

certificate of appropriateness.

(f) The historic district commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein.

(g) A copy of any ordinance creating an historic district adopted under authority of this part, amendments to any such ordinance, maps of any districts created under this part, annual reports and other publications of the historic district commission and the roster of membership of such commission shall be transmitted to the Connecticut Commission on Culture and Tourism. The historic district commission shall also file with the Connecticut Commission on Culture and Tourism at least once every year a brief summary of its actions during that year, including a statement of the number and nature of certificates of appropriateness issued, any changes in the membership of the commission and any other information deemed appropriate by the historic district commission.

(h) The historic district commission may accept grants and gifts, employ clerical and technical assistance or consultants and incur other expenses appropriate to the carrying on of its work, subject to appropriation by the municipality or receipt of such grants or gifts and may expend the same for such purposes.

(i) A municipality which has more than one historic district may establish more than one historic district commission if the districts are not contiguous.

(j) Any historic district commission established under this section may, unless prohibited by charter, ordinance or special act: (1) Make periodic reports to the legislative body; (2) provide information to property owners and others involving the preservation of the district; (3) suggest pertinent legislation; (4) initiate planning and zoning proposals; (5) cooperate with other regulatory agencies and civic organizations and groups interested in historic preservation; (6) comment on all applications for zoning variances and special exceptions where they affect historic districts; (7) render advice on sidewalk construction and repair, tree planting, street improvements and the erection or alteration of public buildings not otherwise under its control where they affect historic districts; (8) furnish information and assistance in connection with any capital improvement program involving historic districts; (9) consult with groups of experts.

(1961, P.A. 430, S. 3; P.A. 77-338, S. 2; P.A. 80-314, S. 3; P.A. 86-105, S. 2; June 30 Sp. Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30.)

History: P.A. 77-338 added Subsec. (b) re procedure for inclusion of individual's property in district after its establishment; P.A. 80-314 deleted previous Subsec. (b), inserted new material concerning enlarging districts or creating new ones and ordinance amendments as Subsecs. (b) and (c), placed provisions for commission membership, appointments, etc. in Subsec. (d) rather than Subsec. (a) as previously, amending provisions for alternate members and adding provision concerning vacancies and reappointments, placed provision for adopting rules in Subsec. (e) rather than Subsec. (a) and added provision concerning regulations providing guidance for property owners in preparing applications, added Subsecs. (f) and (g) re permanent records and information required to be sent to the state historical

commission, amended provision re acceptance of grants and gifts and employment of personnel, formerly in Subsec. (a), and designated it as Subsec. (h) and added Subsecs. (i) and (j) re multiple commissions and further powers; P.A. 86-105 amended Subsec. (d) to require that one or more residents of historic district be included on commission as members or alternates; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism.

Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727.

Subsec. (j):

Cited. 227 C. 71.

Sec. 7-147d. Certificate of appropriateness: Parking areas. (a) No building or structure shall be erected or altered within an historic district until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the historic district commission and approved by said commission.

(b) No building permit for erection of a building or structure or for alteration of an exterior architectural feature within an historic district and no demolition permit for demolition or removal of a building or structure within an historic district shall be issued by a municipality or any department, agency or official thereof until a certificate of appropriateness has been issued. A certificate of appropriateness shall be required whether or not a building permit is required.

(c) The historic district commission may request such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of property after such demolition or removal, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application. The style, material, size and location of outdoor advertising signs and bill posters within an historic district shall also be under the control of such commission. The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure.

(d) No area within an historic district shall be used for industrial, commercial, business, home industry or occupational parking, whether or not such area is zoned for such use, until after an application for a certificate of appropriateness as to parking has been submitted to the commission and approved by said commission. The provisions of this section shall apply to the enlargement or alteration of any such parking area in existence on October 1, 1973.

(1961, P.A. 430, S. 4; 1963, P.A. 600, S. 2; P.A. 73-473, S. 1; P.A. 80-314, S. 4.)

History: 1963 act redefined "exterior architectural features", deleted stone walls, fences, signs, light fixtures, steps and paving from purview of certificate and excluded exterior paint color from provisions of

section; P.A. 73-473 added Subsec. (b) re parking areas; P.A. 80-314 deleted "restored, moved or demolished" and removed definition of "exterior architectural features" from Subsec. (a), added Subsec. (b) re certificates of appropriateness, added Subsec. (c) including provisions re signs and exterior paint color, previously in Subsec. (a), and stating what information is necessary for commission's decision on application and relettered former Subsec. (b) as Subsec. (d).

Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. Cited. 196 C. 596.

Cited. 29 CA 28.

Subsec. (d):

A reading of the word "occupational" that restricts it strictly to for-profit commercial or industrial uses would render other words unnecessary surplusage, which would violate basic tenet of statutory construction that legislature does not intend to enact meaningless provisions. 284 C. 838. Subsec. plainly and unambiguously encompasses parking for private elementary educational facilities because legislature drafted statute with language clearly intended to subject a broad variety of nonresidential parking uses to historic district regulation. Id. Legislature's enactment of Sec. 7-147k(b) which exempts from provisions of historic district act "any property owned by a nonprofit institution of higher education, for as long as a nonprofit institution of higher education owns such property" further supports a construction of Subsec. subjecting nonprofit private elementary school to jurisdiction of the commission. Id.

Sec. 7-147e. Application for certificate. Hearing. Approval. (a) The historic district commission shall hold a public hearing upon each application for a certificate of appropriateness unless the commission determines that such application involves items not subject to approval by the commission. The commission shall fix a reasonable time and place for such hearing. Notice of the time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality not more than fifteen days nor less than five days before such hearing.

(b) Unless otherwise provided by ordinance, a majority of the members of the commission shall constitute a quorum and the concurring vote of a majority of the members of the commission shall be necessary to issue a certificate of appropriateness. Within not more than sixty-five days after the filing of an application as required by section 7-147d, the commission shall pass upon such application and shall give written notice of its decision to the applicant. When a certificate of appropriateness is denied, the commission shall place upon its records and in the notice to the applicant the reasons for its determination, which shall include the bases for its conclusion that the proposed activity would not be appropriate. In the notice to the applicant the commission may make recommendations relative to design, arrangement, texture, material and similar features. The commission may issue a certificate of appropriateness with stipulations. Evidence of approval, as referred to in section 7-147d, shall be by certificate of appropriateness issued by the commission. Failure of the commission to act within said sixty-five days shall constitute approval and no other evidence of approval shall be needed.

(1961, P.A. 430, S. 5, 7; 1969, P.A. 37; P.A. 73-473, S. 2; P.A. 80-314, S. 5; P.A. 86-105, S. 3.)

History: 1969 act changed deadline for commission action in Subsec. (a) from 60 to 120 days; P.A. 73-473 specified parking as well as exterior architectural features as concern of certificate of appropriateness; P.A. 80-314 deleted reference specifying parking or exterior architectural features, changed number of times notice to appear in newspaper from seven to two and add specific time requirements, deleted requirement that commission record applications and activities and deleted former Subsec. (b) and placed in new Subsec. (b) procedure for action on application, changing deadline for action to 65 days, adding provisions re quorum, voting and denial of application or issuance with stipulations; P.A. 86-105 reduced newspaper notice requirements to one publication and provided that the bases for commission's determination shall be included in any notice of denial of certificate of appropriateness.

Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. Cited. 196 C. 596.

Subsec. (a):

Failure to republish notice of continuance of a hearing in newspaper did not violate Subsec. 49 CS 498.

Subsec. (b):

In appeal from a decision by historic district commission, reviewing courts are limited to determining whether reason or reasons stated by commission are supported by substantial evidence in the record. 285 C. 755.

Although commission mailed the notice of the denial of the application to applicant 68 days after the filing of the application, applicant was not entitled to automatic approval of the application on that basis since commission had acted within 65 days after the filing of the application and applicant had actual notice of the commission's decision. 108 CA 682.

Sec. 7-147f. Considerations in determining appropriateness. Solar energy systems. (a) If the commission determines that the proposed erection, alteration or parking will be appropriate, it shall issue a certificate of appropriateness. In passing on appropriateness as to exterior architectural features, buildings or structures, the commission shall consider, in addition to other pertinent factors, the type and style of exterior windows, doors, light fixtures, signs, above-ground utility structures, mechanical appurtenances and the type and texture of building materials. 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. No application for a certificate of appropriateness for an exterior architectural feature, such as a solar energy system, designed for the utilization of renewable resources shall be denied unless the commission finds that the feature cannot be installed without substantially impairing the historic character and appearance of the district. A certificate of appropriateness for such a feature may include stipulations

requiring design modifications and limitations on the location of the feature which do not significantly impair its effectiveness. In passing upon appropriateness as to parking, the commission shall take into consideration the size of such parking area, the visibility of cars parked therein, the closeness of such area to adjacent buildings and other similar factors.

(b) In its deliberations, the historic district commission shall act only for the purpose of controlling the erection or alteration of buildings, structures or parking which are incongruous with the historic or architectural aspects of the district. The commission shall not consider interior arrangement or use. However, the commission may recommend adaptive reuse of any buildings or structures within the district compatible with the historic architectural aspects of the district.

(1961, P.A. 430, S. 8; P.A. 73-473, S. 3; P.A. 80-314, S. 6; P.A. 81-326.)

History: P.A. 73-473 added specific provisions concerning certificates of appropriateness for parking; P.A. 80-314 added Subsec. (b) re exclusion of consideration of interior space except to recommend adaptive reuse and expanded considerations for certificate concerning exterior features with specific references to doors, windows, signs, etc.; P.A. 81-326 added provisions concerning issuance of certificate of appropriateness for exterior architectural feature designed for utilization of renewable resources.

Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. Cited. 196 C. 596. Cited. 227 C. 71.

Subsec. (a):

Commission may consider historic value and significance of buildings in their existing locations, including outbuildings, as a "pertinent factor" in denying an application for alterations. 285 C. 755.

Sec. 7-147g. Variations, permissible when. Where, by reason of topographical conditions, district borderline situations or because of other unusual circumstances solely with respect to a certain parcel of land and not affecting generally the district in which it is situated, the strict application of any provision of this part would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, the commission in passing upon applications shall have power to vary or modify strict adherence to said sections or to interpret the meaning of said sections so as to relieve such difficulty or hardship; provided such variance, modification or interpretation shall remain in harmony with the general purpose and intent of said sections so that the general character of the district shall be conserved and substantial justice done. In granting variations, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purposes of said sections. In addition to the filing required by subsection (b) of section 7-147e, the commission shall, for each variation granted, place upon its records and in the notice to the applicant the reasons for its determinations.

(1961, P.A. 430, S. 9; P.A. 80-314, S. 7.)

History: P.A. 80-314 required that record of granted variance and commission's reasons for granting it be kept.

Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. Cited. 196 C. 596.

Sec. 7-147h. Action by commission to prevent illegal acts. (a) If any provision of this part or any action taken or ruling made by the historic district commission pursuant to the provisions of said sections or of any regulation or ordinance adopted under said sections has been violated, the commission may, in addition to other remedies, institute an action in the superior court for the judicial district wherein such violation exists, which court shall have jurisdiction to restrain such violation and to issue orders directing that the violation be corrected or removed. Such order may direct the removal of any building, structure or exterior architectural feature erected in violation of said sections or any bylaw or ordinance adopted under said sections or the substantial restoration of any building, structure, or exterior architectural feature altered or demolished in violation of said sections or any regulation or ordinance adopted under said sections. Regulations and orders of the commission issued pursuant to said sections, or to any regulation or ordinance adopted under said sections, shall be enforced by the zoning enforcement official or building inspector or by such other person as may be designated by ordinance, who may be authorized to inspect and examine any building, structure, place or premises and to require in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations or orders made under the authority of said sections or of any regulation or ordinance adopted under said sections.

(b) The owner or agent of any building, structure or place where a violation of any provision of this part or of any regulation or ordinance adopted under said sections has been committed or exists, or the lessee or tenant of an entire building, entire structure or place where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building, structure or place in which such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building, structure or place in which any such violation exists, shall be fined not less than ten dollars nor more than one hundred dollars for each day that such violation continues; but, if the offense is wilful, the person convicted thereof shall be fined not less than one hundred dollars nor more than two hundred fifty dollars for each day that such violation continues. The superior court for the judicial district wherein such violation continues or exists shall have jurisdiction of all such offenses, subject to appeal as in other cases. Each day that a violation continues to exist shall constitute a separate offense. All costs, fees and expenses in connection with actions under this section may, in the discretion of the court, be assessed as damages against the violator, which, together with reasonable attorney's fees, may be awarded to the historic district commission which brought such action. Any funds collected as fines pursuant to this section shall be used by the commission to restore the affected buildings, structures, or places to their condition prior to the violation wherever possible and any excess shall be paid to the municipality in which the district is situated.

(1961, P.A. 430, S. 10; P.A. 73-473, S. 4; P.A. 74-183, S. 166, 291; P.A. 76-436, S. 145, 681; P.A. 78-280, S. 1, 127; P.A. 80-314, S. 8.)

History: P.A. 73-473 included reference to parking; P.A. 74-183 substituted court of common pleas for circuit court and included reference to "county or judicial district"; P.A. 76-436 substituted superior court for court of common pleas, effective July 1, 1978; P.A. 78-280 deleted reference to "county"; P.A.

80-314 divided section into Subsecs. (a) and (b), replaced former provisions for proceedings to prevent unlawful acts with provisions for proceedings in superior court and added provisions concerning court costs, attorneys' fees and fines.

Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. Cited. 196 C. 596.

Sec. 7-147i. Appeals. Any person or persons severally or jointly aggrieved by any decision of the historic district commission or of any officer thereof may, within fifteen days from the date when such decision was rendered, take an appeal to the superior court for the judicial district in which such municipality is located, which appeal shall be made returnable to such court in the same manner as that prescribed for other civil actions brought to such court. Notice of such appeal shall be given by leaving a true and attested copy thereof in the hands of or at the usual place of abode of the chairman or clerk of the commission within twelve days before the return day to which such appeal has been taken. Procedure upon such appeal shall be the same as that defined in section 8-8.

(1961, P.A. 430, S. 11; P.A. 76-436, S. 282, 681; P.A. 78-280, S. 1, 127; P.A. 80-314, S. 9.)

History: P.A. 76-436 substituted superior court for court of common pleas and added reference to judicial district, effective July 1, 1978; P.A. 78-280 deleted reference to county; P.A. 80-314 provided that appeal be made returnable to court in same manner as that prescribed for "other" civil actions.

See Sec. 51-197b re administrative appeals.

Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. In appeals from administrative zoning decisions, decisions will be invalidated even if they were reasonably supported by the record, if they were not supported by substantial evidence in the record. In an appeal from decision of a commission, the record is reviewed to determine whether there is factual support for commission's decision. Should substantial evidence exist in record to support any basis or stated reason for commission's decision, the court must sustain that decision. 284 C. 838. Although judicial review of land use decisions is deferential, it is not a rubber stamp as a court cannot take view in every case that discretion exercised by local zoning authority must not be disturbed, for if it did the right of appeal would be empty. *Id.* Although defendant's decision in this case was guided by proper statutory factors under Sec. 7-147f, the application of those factors was not supported by substantial evidence and, therefore, was an abuse of its discretion. *Id.* Because neighborly animosity and outcry are not, without more, factors for defendant's consideration under Sec. 7-147f(a), testimony does not support the defendant's conclusion in this case. *Id.*

If an appeal has been taken and the trial court remands a case to the commission, the scope of the remand order determines the finality of the trial court's judgment for appeal purposes. 108 CA 682.

Sec. 7-147j. Exempted acts. Delay of demolition. (a) Nothing in this part shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a change in the appearance or design thereof; nor to prevent the erection or alteration of any such feature which the building inspector or a similar agent certifies is required by the public safety because of a condition which is unsafe or dangerous due to deterioration; nor to prevent the

erection or alteration of any such feature under a permit issued by a building inspector or similar agent prior to the effective date of establishment of such district.

(b) If a building in an historic district is to be demolished, no demolition shall occur for ninety days from issuance of a demolition permit if during such time the historic district commission or the Connecticut Commission on Culture and Tourism is attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition. During such ninety-day period the municipality may abate all real property taxes. At the conclusion of such ninety-day period, the demolition permit shall become effective and the demolition may occur. Nothing in this section shall be construed to mandate that the owner of such property sell such property or building.

(1961, P.A. 430, S. 6; 1963, P.A. 600, S. 3; P.A. 80-314, S. 10; June 30 Sp. Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30.)

History: 1963 act deleted restriction on maintenance or repairs involving a change of material or outward appearance; P.A. 80-314 deleted references to construction, reconstruction and demolition and inserted references to "erection" and added Subsec. (b) re demolition procedure; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism.

Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727.

Sec. 7-147k. Prior districts unaffected. Validation of prior creations and actions. Nonprofit institutions of higher education excluded. (a) The provisions of this part shall in no way impair the validity of any historic district previously established under any special act or the general statutes. Any and all historic districts created under the general statutes, prior to October 1, 1980, otherwise valid except that such districts, district study committees, municipalities or officers or employees thereof, failed to comply with the requirements of any general or special law, and any and all actions of such districts or historic district commission, are validated.

(b) The provisions of this part shall not apply to any property owned by a nonprofit institution of higher education, for as long as a nonprofit institution of higher education owns such property.

(1961, P.A. 430, S. 12; P.A. 80-314, S. 11; P.A. 06-196, S. 39.)

History: P.A. 80-314 expanded validation to cover districts created before October 1, 1980, and added Subsec. (b) excepting property of nonprofit higher education institutions from provisions of Secs. 7-147a to 7-147k; P.A. 06-196 made a technical change in Subsec. (b), effective June 7, 2006.

Cited. 171 C. 199. Cited. 189 C. 727.

Subsec. (a):

Validation of the Farmington Historic District by this statute rendered moot the basis for complaint. 189 C. 727.

Subsec. (b):

Where express exceptions are made, legal presumption is legislature did not intend to save other cases from operation of the statute. The enactment of section indicates that legislature, when it desires to do so, knows how to exempt specific kinds of educational institutions from historic district regulation. 284 C. 838.