



for
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in

Handbook Historic District Commissions Historic Property Commissions Connecticut

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Handbook for Historic District Commissions and Historic Property Commissions in Connecticut

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I. INTRODUCTION

From the earliest trading posts of the seventeenth century to the modern suburbs of the twentieth century, Connecticut communities have a long history of building to meet the needs of the population. Public buildings range in scale from the majestic State Capitol to the most modest district schoolhouse. Commercial and industrial buildings encompass early wooden sawmills, colossal brick manufacturing complexes, and the sleek glass walls of the Phoenix Mutual Life Insurance Company building in Hartford. The state's residential architecture is equally diverse, representing high-style and vernacular traditions from the symmetrical Georgian Colonial house to the millworker's cottage.

Connecticut's cities and towns are defined by the history of human impact on both the natural environment and the built environment. Rural or urban, coastal or hill town, industrial center or suburb—each of the state's 169 cities and towns has a distinct character derived in part from the buildings, sites, and structures that represent the heritage of the particular community. Preserving community character enriches the lives of Connecticut residents and adds vitality to neighborhoods and downtowns. Municipalities, regardless of size, have the opportunity to support these goals by designating Local Historic Districts (LHD) and Local Historical Properties (LHP) in their community.

LHD and LHP designations are the strongest forms of historic preservation tools available to municipalities in Connecticut. Both mechanisms are administered by locally appointed municipal commissions—the Historic District Commission (HDC) or the Historic Property Commission (HPC)—that have the express authority to review and approve of exterior changes to historic properties that are visible from a public way.

Part One of this handbook outlines the procedures for establishing an LHD or an LHP and appointing the HDC or HPC to administer the review process for the district or property. This chapter is a guide for communities wishing to **establish** a new LHD or LHP and for existing local HDCs or HPCs that are seeking to **improve** the administration of a district or property already established.

The general overview summarizes the common reasons and basic procedures for establishing an LHD or LHP and is followed by a more specific discussion of each of the steps involved.

Any valid LHD or LHP must conform to the Connecticut enabling statute (Connecticut General Statutes, Section 7-147 a-q) and the procedures of the Historic Preservation & Museum Division of the Connecticut Commission on Culture & Tourism (CCT). A bibliography of select resources is included at the end of this chapter.

A. Establishing or Amending an LHD or LHP Designation

The process begins with the appointment of a Study Committee by the legislative body of the municipality. The Study Committee will gather and compile information for its report and communicate with property owners about the impact and advantages of designation.

The Study Committee and its partners should be able to explain the proposed LHD or LHP designation clearly, listen thoughtfully to objections

and concerns, and be willing to make compromises for the benefit of the community. The processes outlined in this section will help residents and local officials determine how an LHD or LHP designation would enhance the community and whether other historic preservation and planning tools would be beneficial.

B. Improving the Administration of an Existing LHD or LHP

As communities evolve and new members are appointed to the HDC or the HPC, it is possible to lose sight of the original intent of an LHD or LHP designation. To be effective the HDC or the HPC must understand the legal procedural basis for the district or property designation, as well as the reasons for its establishment, including:

- What is the historical or architectural significance of this specific area or property?
- What specific sites, features, and attributes does the community value and wish to preserve?
- Are there any threats to the character of the property or area?
- How do current owners feel about the district or property designation?

Having a sense of the history of the LHD or LHP and how it has been administered by the HDC or HPC in the past may shed light on current issues and help to create a consistent and fair administrative process—one that respects the rights of the private property owner and promotes the general welfare of the community.

The initial Study Committee Report for the LHD or LHP can provide useful guidance for local officials and property owners. Copies of most Study Committee Reports are on file at the city or town hall and at CCT.

II. DESIGNATING LOCAL HISTORIC DISTRICTS AND LOCAL HISTORIC PROPERTIES

A. Benefits of Preservation Designation

The Historic District Commission (HDC) or the Historic Property Commission (HPC) is the duly appointed municipal commission that represents the interest of the community in maintaining the architectural and historical integrity of the Local Historic District (LHD) or Local Historic Property (LHP). Working with property owners and municipal agencies, the HDC or HPC helps to preserve designated historic buildings and structures by reviewing any proposed exterior changes that will be visible from a public way.

LHD and LHP designations represent one of the strongest forms of protection for cultural resources in the community. Historic designations have helped communities promote the preservation and responsible treatment of significant historical and architectural resources regardless of ownership or use. Historic district and historic property designations protect buildings, structures, and archaeological sites from the threat of demolition and inappropriate exterior alteration.

Through the designation process, community leaders and residents will have the opportunity to articulate the justification and benefits of an LHD or LHP. In its official capacity, the Study Committee will refer to these statements to guide and direct its actions.

There are many benefits to designating an LHD or LHP in the community beyond the primary responsibility for exterior review. The Connecticut enabling statute (Connecticut General Statutes (CGS), Section 7-147a (b)) outlines four broad ways in which historic district and historic properties commissions can serve their communities.

Under the statute, historic district and historic property commissions may “*promote the educational, cultural, economic and general welfare of the public*” through the preservation and protection of significant historic resources. Understanding the broad range of these benefits can help explain the advantages of having a commission, attract community support, and build a stronger coalition of partners.

1. Educational

Preserving important historic resources creates a visible public connection with the community’s heritage. Historic buildings are memory sites that preserve the human stories of people who built, lived in, or worked in the buildings. HDCs and HPCs have the opportunity to highlight the presence of historic buildings to represent and interpret the events, personages, and lifestyles of the past. Educational activities can take the form of publications, walking tours, school programs, or collaboration with other community organizations.

2. Cultural Welfare

Preserving historic buildings adds to the architectural and visual richness of the community, displaying the roots of its character and diversity. As a tangible link to tradition and innovation, LHDs and

LHPs help to create a strong sense of place. The public awareness of history and tradition can promote community involvement, education, and interaction.

3. Economic Welfare

Preserving historic resources provides a promise of stability and protects the community from radical change. Property values within designated districts tend to remain more stable through periods of economic volatility and show stronger appreciation over the long term. Other economic benefits may include well-maintained infrastructure, a stronger neighborhood identity, increased tourism, and more thoughtful and creative design of new construction in the district.

4. General Welfare

LHD and LHP designations contribute to the general welfare of the community in less obvious ways as well. The benefits of historic designation may include:

a. Environmental Impact

Preserving older buildings is a wise use of infrastructure, land, and non-renewable resources. Preservation entails an investment in the existing built environment rather than using land and resources to build new. Preserving and reusing existing buildings makes better use of tax dollars by reducing the need for new roads, sewers, and utilities. Avoiding demolition reduces landfill waste. Historic preservation is an important part of “smart,” or sustainable, growth.

b. Visual Impact

LHD and LHP designations help to preserve traditional development patterns—dense business districts, walkable neighborhoods, distinct villages, and rural farms. The community’s distinct architectural heritage creates a rich spatial context and may encourage the use of compatible materials and forms in new construction.

c. Social Impact

The historic designation process encourages residents and property owners to take an active role in defining the future of the community. Historic buildings and neighborhoods provide well-built and human-scaled environments that are attractive places to live, work, or visit.

B. Definitions

LHD and LHP designations are the strongest legal forms of historic preservation available to municipalities in Connecticut. Both mechanisms are implemented by a locally appointed municipal commission—the HDC or the HPC—that has the express authority to review and approve exterior changes to historic properties that are visible from a public way.

LHDs and LHPs are listed on the State Register of Historic Places. They also may be listed on the National Register of Historic Places. However, only the local designation provides for regulatory review. The State and National registers do not automatically ensure the preservation of historic properties, and they do not ordinarily restrict what can be done with the buildings or structures.

Understanding the differences between the various preservation designations can help advocates of historic preservation decide which type of designation will most greatly benefit the community.

1. National Register of Historic Places and National Historic Landmarks

The *National Register of Historic Places* is the official list of the nation's buildings, sites, and structures that have a high degree of physical integrity and a documented level of historical or architectural significance. Authorized by the National Historic Preservation Act of 1966 and administered by the Department of the Interior through the National Park Service, the National Register of Historic Places is a national program to identify, evaluate, and protect America's historic and archeological resources. There are currently more than 80,000 listings on the National Register of Historic Places, representing 1.4 million individual buildings sites, structures, objects, and districts.

Properties may be nominated to the National Register either individually or as part of a National Register Historic District. Nominations are processed through the State Historic Preservation Office of the Connecticut Commission on Culture & Tourism (CCT) using a standard format and must demonstrate that the particular resource has integrity of location, design, materials, setting, workmanship, feeling, and association. In addition, the nominated property or resource must meet one or more of the specific National Register criteria at the local, state, or national level.

Listing on the National Register of Historic Places entails no obligations on the part of private property owners. There are no restrictions on the use, treatment, transfer, or disposition of private property. The National Register does not require public access and does not automatically result in any local preservation designation. Owners of National Register-listed properties may be eligible to apply for grants or tax credits through particular state and federal programs, subject to the availability of funding.

The National Register is used by state and federal agencies to evaluate the potential risk of adverse impact on historic properties that may result from federally or state-funded, licensed, or permitted projects. In Connecticut, the Connecticut Environmental Protection Act (CEPA or Public Act 82-367, Section 22a-15 through 22a-19) also provides a mechanism through the Superior Court to prevent the "unreasonable destruction" of National Register-listed resources.

National Historic Landmarks are nationally significant historic places designated by the U.S. Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. Today, fewer than 2,500 historic places bear this highest distinction. Working with citizens throughout the nation, the National Historic Landmarks Program draws upon the expertise of National Park Service staff to nominate new landmarks and provide assistance to existing landmarks.

2. State Register of Historic Places

The *State Register of Historic Places* is the State of Connecticut's official listing of buildings, sites, structures, and objects that are important to the historical development of Connecticut. The State Register uses criteria for listing that are similar to those of the National Register of Historic Places, except that special-case considerations (such as a fifty-year age requirement) are not applicable. The nomination process is administered by the CCT.

Properties are listed on the State Register by the Historic Preservation Council of the CCT following review and recommendation by staff of the State Historic Preservation Office (SHPO). Since 1975, more than 50,000 properties owned by private citizens, organizations, municipalities, and the State of Connecticut have been listed on the State Register.

3. Statewide Historic Resource Inventory

CCT also maintains a historic resource survey and inventory program that identifies and documents historic, architectural, archaeological, and industrial resources. Collectively, these cultural resource surveys comprise the *Statewide Historic Resource Inventory* (SHRI), which is a useful tool for municipal officials, local planners, preservationists, property owners, and researchers.

The SHRI has generated information, photographs, and maps for approximately 90,000 properties, and new ones are added to the inventory each year. In addition to surveys organized geographically by individual town boundaries, statewide thematic surveys have been completed for bridges, industrial complexes, lighthouses, outdoor sculpture, railroad stations, synagogues, theaters, town greens, state-owned properties/campuses, and state parks.

The SHRI is a documentation project only. Research and documentation are conducted using public sources and rights-of-way. Inclusion of a property in the inventory does not place any restrictions on the ownership, use, or appearance of an historic building, site, structure, or object. Inventoried properties are not automatically listed on the State or National registers.

4. Local Historic District

A *Local Historic District* (LHD) consists of a contiguous area of buildings and structures that represents either a distinct period of significance in the community's history or the evolution of the community over time. CGS, Section 7-147b defines the historic district as "an area, or a cluster of related buildings, or objects and structures, in a compatible setting which, taken as a whole, visually expresses styles and modes of living representative of various periods in American History." In general, an LHD is an area with clear boundaries enclosing a contiguous set of historically or architecturally significant structures that are related through proximity, ownership, history or use and that together tend to visually represent the community's heritage.

The LHD is different from a National Register or State Register historic district in that it provides for the local review of any exterior work that

is visible from a public street, place or way. Properties within the LHD are subject to review, regardless of the age or condition of the specific building or structure. There are exceptions which include properties owned by higher education institutions and state owned properties. (see xxx for a complete list—this information needs to be supplied—DRM)

5. Local Historic Property

A *Local Historic Property* (LHP) consists of a single building or site that represents important historical events, trends, and architectural styles in the community.

CGS, Section 7-147p defines the historic property as “any individual building, structure, object or site that is significant in the history, architecture, archaeology and culture of the state, its political subdivisions or the nation and the real property used in connection therewith.”

The LHP designation is suited to important historic, architectural, or archaeological resources that are isolated or widely separated from related sites, but whose preservation and appearance are important to the sense of the community’s heritage.

6. Decision About Which Preservation Designation Is Best

Determining the best historic preservation designation for the community will rely on several factors. Some questions and considerations worth thinking about are:

a. Geographic Considerations

- Do the historic resources in the community comprise a logical and visually coherent district?
- Are they in close proximity to one another?
- Do they share boundary lines?
- Do the resources represent a traditional neighborhood, village, or hamlet?
- Is the area bounded or defined by natural landscape features (waterways, forests, geological features) or the built environment (streets, city blocks, historic walls or pathways, highways)?
- Is the area a potential archeological site?

If so, the LHD designation may a good way to preserve that sense of continuity and spatial coherence, even if there are some non-historic structures within the area.

If the historic and architectural resources are widely separated or are interrupted by natural features and modern development sites, the LHP designation may be an appropriate alternative.

b. Stylistic Considerations

- Do the historic resources in the community share certain stylistic features along with physical proximity?

- Do they represent a traditional pattern of development?
- Do they represent materials, forms, construction techniques, or architectural expressions that are distinct to the community?
- Do they provide an informative sampling of several different architectural styles and periods?
- Do the buildings and structures exhibit innovative solutions to geographical constraints?

If so, the LHD designation may serve to highlight and preserve those particular aspects of the community.

If the historic buildings and structures are widely separated or if the visual character of the area is disrupted by modern buildings, highways, new development, large tracts of undeveloped land, or natural barriers, then LHP designations may be a better way to preserve and protect the individual resources for the benefit of the community.

c. Considerations of Significance

- Do the buildings and structures retain a high degree of physical integrity?
- Do the resources represent a major event or trend in the history of the community?
- Are the buildings or sites historically associated with an important individual or family?
- Were the structures built by a well-known builder or architect?
- Is the site likely to contain information that would enhance the appreciation of the community's heritage?

With LHD and LHP designations, each community has the opportunity to decide which buildings and structures are most significant to the community and would merit preservation. Do the resources represent a geographical entity like a mill village, a town center, or a clustered settlement? If so, then the LHD may be a way to preserve and interpret the history of the area.

Do the individual buildings have strong symbolic significance to the community, even though they are widely separated by modern buildings or incompatible development? An LHP designation may be a good way to preserve a town hall, a school, a church, a theater, a library, or an industrial site that is important to the community, even without a strong visual context.

d. Social and Political Considerations

- Is there good historical documentation for the resources?
- Is the significance of the building or area widely recognized in the community?
- Are the buildings and structures at risk or under threat?
- Are there partners in the community to assist with the historic designation process?

- Are other public policies supportive of historic preservation?

Property owners and residents must endorse the goals of preservation if the LHD or LHP designation is to have a beneficial effect on the community. Since both designations often affect private property, the concerns of the owners have to be considered and addressed in a responsible manner.

If there is inadequate support for an LHD, then designating a few individual LHPs may be an appropriate way to begin identifying and protecting the community's historic assets. (See Section III.D.3 of this handbook for a further discussion of boundary delineation.)

C. Enabling Statute

CGS, Section 7-147b and Section 7-147q constitute the enabling legislation for LHDs and LHPs in Connecticut. This legislation details the specific procedures and legal requirements for properly designating an LHD or an LHP and establishing the appropriate local commission.

HDCs and HPCs must be familiar with the enabling statute as the legal and practical basis for their authority. Understanding the process for establishing and administering LHDs and LHPs will help reduce potential conflicts between the commission and property owners. Well-informed commissions are able to demonstrate that LHD and LHP designations serve the interests of the community in the same way as other regulations such as zoning and building codes.

D. Understanding the Process

It is crucial to understand the entire process of designating an LHD or LHP *before* undertaking such an endeavor. Understanding the rationale behind each of the individual steps as well as the fundamental purpose of the designation will ensure that the process is conducted legally, give the recommendations greater force, and provide a greater sense of coherence and purpose. The formal process mandated by the state enabling statute helps to highlight potential problems and obstacles before they arise.

Establishing an LHD or LHP is not an overnight process. It typically takes a year or two to gather all the information and garner public support. As with any legislative change, the process can be long and sometimes frustrating. Understanding all of the procedural steps and pursuing each in sequence can help the participants maintain their dedication and commitment.

III. DESIGNATION PROCESS

In Connecticut, the creation and administration of a Local Historic District (LHD) or Local Historic Property (LHP) is authorized by Connecticut General Statutes (CGS), Section 7-147a-k and Section 7-147p-y, as amended. In order to be valid, all LHD and LHP designations must comply with the enabling statute and the establishment procedures outlined therein.

The time schedules and other requirements set forth in CGS, Section 7-147a-m (for LHDs) and CGS, Section 7-147p-y (for LHPs) must be followed *exactly*. A missed deadline or legal notice could open the Study Committee's actions to legal challenge that might invalidate everything done thereafter, including establishment of the district or property itself.

The following summaries and guides to the process are in *no way* intended to substitute for the rules and procedures as designated in the statute. Within the enabling statute, Section 7-147b (for LHDs) and section 7-147q (for LHPs) define the detailed designation process.

Ten Steps to Establishing a Local Historic District	
1. Contact the Connecticut Commission on Culture & Tourism	In addition to substantial <i>community dialogue</i> about the feasibility and benefits of the LHD, local advocates should meet with the Connecticut Commission on Culture & Tourism (CCT) staff for guidance.
2. Form and Appoint the Study Committee (CGS, Section 7-147b (a))	The LHD Study Committee is appointed by the local legislative body or municipal officer, and includes five regular and three alternate members, all electors of the municipality.
3. Prepare the Study Committee Report (CGS, Section 7-147b (b))	The Study Committee evaluates the historical and architectural significance of properties being considered and delineates proposed boundaries of the historic district.
4. Submit the Study Committee Report for Initial Review (CGS, Section 7-147b (c))	The Study Committee submits a report and recommendations to the designated town planning and zoning authority and to CCT.
5. Amend or Revise the Study Committee Report (CGS, Section 7-147b (c))	The CCT and the designated planning and zoning authority have sixty-five days to return comments.
6. Invite Public Comment (CGS, Section 7-147 b (d) and (e))	After written notice is sent to property owners and two legal notices are posted in a local newspaper, the Study Committee holds a public hearing on the proposed LHD.
7. Submit the Report and Recommendations (CGS, Section 7-147b (f))	The Study Committee submits a final report and recommendations to the local legislative body and the municipal clerk within sixty-five days of the public hearing.
8. Conduct the Balloting of Property Owners (CGS, Section 7-147b (g) and (h))	Within sixty-five days after receipt of the Study Committee Report, the municipal clerk authorizes and issues ballots to all property owners in the district.
9. Provide Balloting Results to Legislative Body of the Municipality for Action (CGS, Section 7-147b (i))	If two-thirds of the ballots returned are affirmative in support of the proposed district, the legislative body may (a) accept the report and enact the ordinance, (b) reject the report, or (c) return it to the Study Committee for revision.
10. Implement the Ordinance (CGS, Section 7-147b (j))	The local Historic District Commission (HDC) is appointed by the local legislative body, and a copy of the ordinance is entered into local land records and indexed by the municipal clerk.

Ten Steps to Establishing a Local Historic Property

1. Contact the Connecticut Commission on Culture & Tourism	In addition to substantial <i>community dialogue</i> about the feasibility and benefits of a Local Historic Property (LHP) designation, local advocates should meet with CCT staff for guidance.
2. Form and Appoint the Study Committee (CGS, Section 7-147q (a))	The LHP Study Committee is appointed by the local legislative body or municipal officer, and includes five regular and three alternate members, all electors of the municipality.
3. Prepare the Study Committee Report (CGS, Section 7-147q (b))	The Study Committee evaluates the historical and architectural significance of properties being considered and delineates proposed boundaries of the historic properties.
4. Submit the Study Committee Report for Initial Review (CGS, Section 7-147q (c))	The Study Committee submits a report and recommendations to the designated town planning and zoning authority and to CCT.
5. Amend or Revise the Study Committee Report (CGS, Section 7-147b (c))	The CCT and the designated planning and zoning authority have sixty-five days to submit comments.
6. Invite Public Comment (CGS, Section 7-147 q (d) and (e))	After written notice is sent to property owners and two legal notices are posted in a local newspaper, the Study Committee holds a public hearing on the proposed LHP.
7. Submit the Report and Recommendations (CGS, Section 7-147q (f))	The Study Committee submits a final report and recommendations to the local legislative body and the municipal clerk within sixty-five days of the public hearing.
8. Conduct the Balloting of Property Owners (CGS, Section 7-147q (g))	Unless the owner submits a written notarized objection to the designation within thirty days of the public hearing, the Study Committee Report is referred to the local legislative body.
9. Provide Balloting Results to Legislative Body of the Municipality for Action (CGS, Section 7-147q (g))	Unless persons holding 50 percent or more of ownership interest in the proposed property object, the legislative body may (a) accept the report and enact the ordinance, (b) reject the report, or (c) return it to the Study Committee for revision.
10. Implement the Ordinance (CGS, Section 7-147b (j) and 7-147q (h))	The local Historic Property Commission (HPC) is appointed by the local legislative body, and a copy of the ordinance is entered into local land records and indexed by the municipal clerk.

A. Community Dialogue and Public Support

The following sections relate to the ten steps above. They provide further insight into the rules and requirements governing each step, as well as advice on each phase of the process.

Any successful preservation effort begins with dialogue at the local level. Concerned citizens come together with a common purpose to address a pressing issue, openly discuss possible modes of action and intervention, invite others to participate, and educate each other and themselves about the issues. The process of designating an LHD or LHP requires patience and communication. Ultimately, a proposed LHD or LHP must have substantial public support in order to be established.

Careful preliminary work will make sure that the goals and procedures of the potential LHD or LHP designation are accurately presented. Cultivating and maintaining civil and productive relationships is a responsibility that will carry through the entire process and beyond.

1. Determining Whether a Local Historic District or a Local Historic Property Designation Is Right for the Community

Carefully weighing the benefits of LHD or LHP designation and considering the various other preservation protections that are available, the community determines which designation would be most appropriate for specific historic resources.

Even before a Study Committee is appointed, community residents and leaders should consider the questions listed below. The responses will give direction to the conversation and help determine the appropriate course of action. Some local communities may even hold informal gatherings of property owners to gauge their sentiments about the threats to historic resources and the need for preservation.

- a. What buildings and structures best define the character of the neighborhood or community?
- b. Are historic resources at risk or threatened in any way?
- c. Could an LHD or LHP designation help to address those threats?
- d. Has the community completed an historic resources survey?
- e. Are any properties currently listed on the State or National registers of historic places?
- f. Is preservation part of a broader community vision?
- g. How do property owners feel about the need for a preservation mechanism?
- h. Is there wide support for the establishment of a local review commission?
- i. Have historic preservation designations been proposed before in the community?

j. What is the reputation of any current HDC or HPC?

2. Finding Partners and Building Partnerships in the Process

In response to specific threats to the character and integrity of a neighborhood, concerned citizens may form an *ad hoc* advocacy group, a preservation committee, or a neighborhood association. The citizens' committee or neighborhood group may initiate the discussion of historic preservation and may lead to an official LHD or LHP Study Committee appointed by the municipality. Often, members of the informal association will be appointed to the official Study Committee.

The Study Committee will need to reach beyond the knowledge and expertise of its own members in order to prepare for the process. Communicating early and often with other community members and leaders will not only add transparency and credibility to the process, but will help gauge local attitudes and forge productive working relationships. The Study Committee should work closely with:

- Property owners and residents who would be directly affected by the LHD or LHP designation, including property owners in the proposed district and the members of any existing LHD or LHP
- Agencies and individuals who will be reviewing or voting on the report of Study Committee including property owners, the local legislative body, the chief elected official of the municipality, the local planning and zoning authority, and CCT
- Staff and professionals who will have a specific role in the designation process including the municipal clerk and the municipal corporate counsel
- Local experts with specific knowledge of local history including the local historical society, the municipal historian, churches, and community organizations
- Advocates and partners capable of assisting with public outreach, including neighborhood organizations, local preservation groups, local news media, CCT, and the Connecticut Trust for Historic Preservation (CTHP)
- Preservation leaders and organizations that might provide financial or technical assistance, including planning and preservation consultants, CTHP, the National Trust for Historic Preservation, CCT, and the National Park Service

3. Developing a Strategy and Sharing Responsibility

Residents and property owners who are interested in establishing an LHD or LHP designation may need assistance in identifying sources of financial or technical assistance, adopting efficient procedures, and developing a schedule for the process. Once appointed, the Study Committee should be prepared to delegate and share some of the responsibilities involved in the process, from coordinating meetings, applications, volunteers, and deadlines, to conducting research, interviews, and outreach.

a. Personal Contact

Personal contact is an effective way to share information. A simple phone call or face-to-face discussion can introduce property owners and residents to the important role they might play in the historic preservation process.

If the Study Committee encounters resistance from property owners, the Committee might choose to reconsider the boundaries and justification of the potential district. The boundaries of the proposed district can be altered at any time up to the submission of the Study Committee Report.

b. Meetings, Gatherings, Presentations

Public meetings and informal gatherings are a great way to meet property owners and residents, provide information, and hear their concerns. Meetings may take three forms:

i. Informal Gatherings

Gatherings such as cocktail parties, barbecues, or other casual get-togethers can provide a relaxed, informal setting in which residents and property owners can discuss the potential benefits of LHD or LHP designation. Such meetings provide a good opportunity to distribute handouts and provide information on the architecture and significance of the area and the benefits of historic district designation.

Informal gatherings may take place prior to the appointment of a Study Committee or they may be hosted by one or two of the Study Committee members (representing less than the quorum required for a formal meeting).

ii. Public Meetings

A Study Committee may hold a public information meeting, at which it can present the purpose, rationale, and procedures of historic district or historic property designation. A strong visual presentation is an effective way to focus attention on the historical development and architectural qualities that define the character of a community. Informal question-and-answer sessions may also be helpful to property owners.

A Study Committee's regular meetings are public meetings, and their dates are posted by the Town. Anyone can attend a regular meeting.

A representative of CCT or the Connecticut Trust for Historic Preservation (CTHP) may be invited to help put local issues into a larger context. The Study Committee should be well informed by this point about the district or property, its history, the procedures for establishing a district or property, and the potential benefits for property owners.

iii. Public Hearing

The public hearing is the opportunity to make a compelling case for historic district or property designation and provides a forum for public discussion of the proposed designation.

The enabling statute requires that a Study Committee hold a public hearing between sixty-five and one hundred thirty days following the transmission of its report to CCT, the planning and zoning commission, or other body designated by law. Procedures for the public hearing are set forth in detail in the enabling statute, CGS, Section 7-147b(e).

c. Handouts, Web Sites, and Blogs

In addition to providing copies of their report to property owners and residents, the Study Committee may distribute question-and-answer sheets that address the common issues and concerns. Sample handouts and information sheets may be obtained from the web sites of CCT and CTHP.

A special web site or an existing online community forum is another effective way to provide information on the historic designation process. The online site might discuss the findings of the Study Committee, provide links to relevant articles and resources, display interactive maps and information, or invite questions and comments, all while reducing printing costs.

d. Media Coverage

Media coverage of the LHD or LHP process can reflect and influence local opinions. The Study Committee and its community partners should prepare media releases, bullet points, and contact information so that reporters will have access to timely and accurate information. Questions from reporters should be answered fully and thoughtfully by a designated representative of the Study Committee.

Enlisting the help of recognized leaders in the community can help to ensure that accurate information is circulating. Letters to the editor and even direct meetings with the editor can help focus the public discussion and build support for historic preservation designation.

In some instances, there may be confusion about the difference between local and National Register historic districts. This point should be clarified as often as necessary. Designating a member of the Study Committee to be in charge of writing and responding to letters, blog posts, and radio broadcasts may be an effective way to take charge of the issue.

e. Key Talking Points

Because historic preservation regulations vary from state to state and from community to community, there is often some

initial confusion about the potential impact and benefits of LHD or LHP designation. There are several points that may require clarification and emphasis throughout the discussion process:

- i.** The LHD or LHP is an educational resource for the entire community. Historic buildings, sites, and structures from different periods offer multiple opportunities for learning about the community's past.
- ii.** The LHD is a particular type of municipal historic preservation designation. It is not the same as the Historic Resource Inventory, the State Register of Historic Places, or the National Register of Historic Places, although the designations may overlap.
- iii.** Historic preservation designation is not the same as zoning. An LHD or an LHP designation will not have any effect on the ownership, use, or transfer of any property.
- iv.** Historic preservation designation does not mean an increase in property taxes. While the community may undertake periodic reappraisals and authorize new tax rates, the state statute does not single out properties in historic districts for higher valuation.
- v.** National studies demonstrate that property values tend to stabilize in LHDs where the risk of dramatic change in the neighborhood is reduced. While property values in a regulated historic district may increase or decrease in response to larger real estate trends, the changes are generally not sudden or dramatic.
- vi.** Historic districts and historic properties are legal means of giving *local residents* control over the appearance of their own community in the future. An LHD or LHP designation can be effective in preventing demolition and preserving architectural character while still allowing growth and change.

**B. Connecticut
Commission on
Culture & Tourism**

Any community that is interested in establishing an LHD or LHP can gain assistance from the Historic Preservation & Museums Division of the Connecticut Commission on Culture & Tourism (CCT).

CCT, operating as the State Historic Preservation Office (SHPO), reviews and approves all Study Committee reports and local historic preservation ordinances. The experienced and knowledgeable staff at CCT can provide technical consultation and on-site assistance in determining potential district boundaries, organizing reports, and presenting information to property owners and residents.

Questions and Answers About Local Historic Districts

Prepared by the Connecticut Commission on Culture & Tourism

1. *What Is the Basic Purpose of a Local Historic District?*

The local historic designation is intended to preserve and protect the distinctive characteristics of buildings and places of historical and architectural significance to the community.

2. *What Are the Benefits to Property Owners of a Local Historic District?*

Statewide and nationally, experience demonstrates that the existence of a Local Historic District (LHD) creates community pride, fosters neighborhood stabilization, and enhances the appearance and authentic historic character of a designated area.

3. *How Is a Local Historic District Established?*

Under state law, an interested group of citizens may request that an LHD Study Committee be appointed by the municipality to investigate the potential for a district and to prepare a report.

4. *What Happens When the Study Committee Finishes Its Report?*

The report is submitted to the local government, the local planning and zoning authority, and CCT for review and comment. A public hearing is held to allow all interested citizens an opportunity to comment on the report.

5. *Can a Local Historic District Be Established Without the Consent of the Property Owners?*

No. State law requires a referendum among property owners in the proposed district. Two-thirds of those voting must approve of district status. The results of the referendum go to the municipal legislative body for final approval.

6. *What Happens When the Municipality Approves the Establishment of a Local Historic District?*

The Historic District Commission (HDC) of five regular and three alternate members is appointed by the municipal government.

7. *How Does the Local Historic District Affect Property Owners?*

Any proposed exterior changes to a property which are visible from the public right-of-way are legally subject to review and approval by the Historic District Commission. Changes include new construction as well as demolition activity. After an owner submits an application for the HDC's agenda, a formal public hearing is held. In its review, the HDC considers (1) the impact of the proposed changes and (2) the appropriateness of the change to the character of the district. After the formal hearing, at its regular meeting, the HDC reaches a decision. If it finds the proposed change appropriate, it issues a certificate of appropriateness. Work may then proceed contingent

upon other town requirements such as building permits, building codes, or zoning approvals.

8. *Does the Historic District Commission Control the Use of Buildings?*

No. Use is controlled by municipal zoning regulations where such regulations are in effect.

9. *What If a Property Owner Wants to Alter the Interior of a Building?*

Any change can be made to the interior of a building without approval of the HDC.

10 *What About Building Maintenance and Paint Colors?*

The HDC has no authority over paint color or any work that is commonly considered routine maintenance and repair.

11. *Would Property Owners Have Anything to Say About How an Historic District Commission Discharges its Duties?*

Each application to the HDC requires a public hearing and notice of such a hearing. Property owners may attend the hearings and express their opinions.

12. *What Is the Historic District Commission's Role Regarding New Construction in the Local Historic District?*

The HDC rules only on the appropriateness of proposed new construction. This requirement does not mean that all new construction must be historic in design or appearance.

13. *Can a Property Owner Appeal a Decision of the Historic District Commission?*

Yes. Appeals can be made to the superior court for the judicial district in which the municipality is located.

14. *Can the Local Historic District Status Be Repealed?*

Yes. The ordinance creating the LHD can be repealed by the city or town in the same manner as any other municipal ordinance.

For more information, contact the Connecticut Commission on Culture & Tourism, One Constitution Plaza, 2nd floor, Hartford, CT 06103; telephone 860-256-2800.

C. Local Historic District or Local Historic Property Study Committee

The local legislative body, at the request of town residents, property owners, or an *ad hoc* committee, may directly appoint or authorize the chief elected official to appoint a Study Committee to consider potential LHD or LHP designations.

The Study Committee shall consist of five regular members and three alternates, all of whom must be electors of the municipality, none holding paid public office in the town. Often members of the Study Committee will have been part of the *ad hoc* committee which preceded it, and ideally they would represent a range of professional expertise in one or more of the following areas: architecture, architectural history, historic preservation, land use and real estate law, local history, real estate and development, planning and zoning, or other design-related professions. The Study Committee may seek additional outside expertise to assist in researching historical information, identifying architectural styles, and defining the nature and degree of significance for each property.

The primary responsibility of the Study Committee is to produce the report that recommends and justifies the creation of one or more LHD or LHP designations. The Study Committee will also guide the report through the process of submission, revision, public hearing, and adoption.

D. Preparing the Report of the Study Committee

The Study Committee Report is a pivotal document and serves a twofold purpose:

1. in the period prior to establishing the LHD or LHP designation, the Study Committee Report serves to educate local officials, property owners, and the general public about the content and significance of the proposed historic area;
2. in the period following the establishment of the HDC or HPC, the Study Committee Report provides the basic reference that will guide the actions of HDC or HPC members, town officials, and property owners.

The report of the Study Committee should be presented in a format that is clear and easily distributed. It should make a persuasive case for why a particular building or area should be designated and preserved. The Study Committee Report will also provide the HDC or HPC members and property owners with information that will guide them in making decisions about the maintenance and preservation of properties within the LHD.

The commission charged with administering the LHD or LHP will turn to the Study Committee Report for statements of historical and architectural significance on which to base its decisions. At the most basic level, the Study Committee Report should document and evaluate the architectural features and historical associations that represent the heritage of the community.

LHDs and LHPs preserve the physical evidence of historical persons, places, and events that are a part of town history. Clues to how earlier generations lived and thought about themselves and their world are found in the physical layout of the town, the construction methods and materials, and the styles of architecture. This kind of material should be recorded in the Study Committee Report.

CCT maintains an archive of study reports generated by communities throughout the state. CCT staff members are available for consultation and guidance during the compilation of the Study Committee Report. Grants may be available from the CCT, the CTHP, and other sources to enable study committees to hire professional historians or architectural historians to contribute to the body of the report.

The usefulness and completeness of the Study Committee Report can make a pivotal difference in the acceptance of an LHD or LHP by the community and in the ability of a commission to function fairly and effectively once established.

The Study Committee's work can be made easier by taking advantage of existing documentation and resources, including:

1. Previous Research

The Study Committee should check with the staff of the CCT and with local officials and town historians to see if any town histories, house tours, architectural studies, or other research is already on file for the area of the proposed district or property. Amending or adding to existing research is easier than starting from scratch.

2. Forms

The **Statewide Historic Resource Inventory** offers a standardized format for compiling existing information and adding new information about historic properties. The form provides a checklist to record physical data about a building, additional fields for ownership information, and space for narrative statements concerning the architecture, history, and significance of each property, as well as bibliographic citations and photographic documentation. Electronic versions of the inventory forms are available on the CCT Web site in a format that allows them to be filled out and saved.

Inserting this information in the Study Committee Report may be as simple as copying or annotating the existing inventory forms. Nominations to the **State and National Registers of Historic Places** also contain detailed descriptions of architectural appearance and historical significance of buildings, sites, and structures. The information compiled on the forms will provide much of the material from which the statement of historic significance in the report can be developed.

3. Boundary Delineation

Determining a logical and justifiable boundary is a critical step in designating an LHD or LHP. The CCT has extensive experience in this area, and staff may arrange on-site visits to advise the Study Committee.

Research into the historical development of an area under consideration will often suggest logical boundaries based on historical themes and periods. Visual continuity of the historic streetscape is another important determining factor. Empty lots, modern development, or strip development might mark the visual limits or edges of a district where the historical or architecture integrity is no longer dominant.

Boundaries are usually based on historical and architectural factors, but can be subject to discussion and compromise by the Study Committee, local property owners, and municipal officials. Connecticut's enabling

statute for LHDs requires approval by two-thirds of the voting property owners who would be affected by the proposed district.

The prospects for property owner approval may be a powerful consideration in a potential LHD or LHP. A Study Committee may initially recommend a small district that has clear support from property owners, but the district must be contiguous and cannot include any gaps or holes. The boundary delineation must be credibly based on the architectural character and historical development of the area.

It is possible to reduce or amend the boundaries of a proposed LHD or LHP to encompass the most important properties and the most supportive property owners, even if some significant structures are initially left out of the district. After the public hearing and before the report goes to the town clerk, boundaries of a proposed district can be adjusted at any time.

Some of the resources for outlining district boundaries include:

a. Historical and Contemporary Maps

Historical maps record the history and evolution of the community by depicting roadways, waterways, open spaces, villages, hamlets, and mill sites, as well as the spatial relationships between buildings at a particular point in time. The atlases issued for every county in Connecticut between 1867 and 1874 are a good place to start. These detailed maps record the location of roads, houses, stores, shops, and other buildings, often with the name of the owner. The maps also reveal the general patterns of development, the size of house and farm lots, the shape of buildings, and the relationship to outbuildings. Copies of these atlases are available at the Connecticut State Library and the Connecticut Historical Society in Hartford.

The Sanborn Map Company of New York prepared detailed maps of most Connecticut cities in the late-nineteenth and early twentieth centuries for the use of fire insurance companies. The maps identify historic uses and building materials by a color-coded system.

Lithographed views from a conjectural aerial perspective (often termed “bird’s-eye views”) provide a detailed and remarkably accurate record of the appearance of many Connecticut towns and cities during the same period. These panoramic views, prepared by skilled draftsmen, often include a numbered key to identify the most prominent buildings in town.

Older visual sources include the descriptions and woodcut illustrations in John Warner Barber’s *Connecticut Historical Collections*, first published in 1836. The small woodcuts prepared for each chapter are sometimes the earliest perspective views of a community. Other maps, town plans, paintings, or other illustrations may be available locally.

Historical maps and views should be compared with the information depicted on recent tax assessors' maps (which are based on aerial photographs) and U.S. Geological Survey (USGS) maps to understand how the area has changed over time and what early historic spatial relationships may still exist. Many of the maps are available online through sources such as University of New Hampshire (<http://docs.unh.edu>) and www.MyTopo.com.

Online and digital data sets such as Google Maps, Google Earth, MapQuest, and Bing Maps can be helpful in locating historical resources and tracing logical boundaries.

b. Criteria for Rural Districts Versus Urban Districts

The proposed boundaries for districts in rural and urban areas may use slightly different criteria, as may the boundaries for LHDs and LHPs. CCT has defined a rural setting as a developed area surrounded by natural features such as ridges, bodies of water, farmland, or other natural topographical features. An urban setting, by contrast, is a developed area defined by engineered or built features such as roadways, parks, or other neighborhoods.

i. Rural Districts

For a rural district or for an individual historic property, the discussion of potential boundaries might consider:

1. Common ownership or related development patterns, either historical or contemporary
2. The functional relationships between buildings and the adjacent natural resources
3. The visibility of buildings and structures from the public way (including public trails and navigable waterways);
4. The qualities of the cultural landscape, including mill dams, stone walls, quarries, and cultivated fields

In rural areas, the development of open areas immediately adjacent to an LHD or LHP can have a profound impact on the character of the district. Proposed boundaries should provide a protective buffer around historic buildings or sites to prevent them from becoming isolated in an incompatible environment.

ii. Urban Districts

For urban districts, the discussion of potential boundaries might consider:

1. Whether the area was laid out and developed incrementally or as a whole
2. Traditional names and unofficial boundaries of a village, hamlet, or neighborhood
3. Physical features (man-made or natural) which define the area or constrained the pattern of development, including shorelines, ridges, wetlands, outcroppings, steep slopes, parks, and town greens

In urban areas more often than in rural areas, a change in architectural character may reflect a different phase of development and may be a factor in determining district boundaries. The character of the streetscape as a whole should be evaluated in determining district edges and the relationship between existing buildings.

c. Sight Lines

If a district is surrounded by open fields, the sight line should be established from the roadway or main public way. A ridgeline, hedgerow, stream, or other natural feature may suggest a likely boundary. Boundary lines are more effective when they trace the lot lines of specific properties rather than being based on a generic description such as “200 feet from the road.”

The boundaries of the proposed LHD or LHP should be visible from the public way, since that will determine which elements are subject to review. While a standard boundary setback may produce a straighter or simpler boundary line, it may also exclude outbuildings and portions of irregular parcels that are important to the whole fabric and appearance of the district.

If a boundary is measured from the road, it should extend from the centerline of the road and not from the shoulders, since the centerline represents a fixed point legally. This precaution has become particularly important since the revision of the state enabling statute in 1980 which brought fences, walls, lighting fixtures, and other freestanding structures under historic district jurisdiction except on state roads under the jurisdiction of the Connecticut Department of Transportation.

d. Historic Properties

Historic properties may include not only an individual building but also any related outbuildings or structures on the property. In many cases, existing lot lines will define boundaries for the historic property.

The enabling statute stipulates that only “real property used in connection with” the individual historic building may be included within the boundaries of a designated LHP. In the case of large farms or estate grounds, designed landscapes and open areas may themselves possess historical significance and could be included within the boundaries.

4. Evaluation of Historic Resources

The evaluation process considers which buildings and structures should be preserved and documents the level of historical and architectural significance for the community. Evaluation is focused on three areas: (a) history, (b) architecture, and (c) context.

a. Evaluating Historical Significance

The LHD or LHP should exhibit some visible aspect of the history of the neighborhood, town, city, region, or state. It is important to identify and develop the historical themes that have been influential in shaping the town or city, its role in history, and its architecture.

Themes to consider are the area's economic contributions (agricultural, industrial, educational); its political contributions (colonial settlement, county seat, governmental structure); its cultural contributions (religion, ethnicity, folk traditions, fine arts); and its social contributions (community leaders, major achievements, notable personalities). Local events or trends should be tied to the history of the region, state, or nation.

i. Individual Structures

A central aspect of the evaluation is to identify the connections between local building types and the historical development of the community. Industrial workers' housing, barns and farmhouses, theaters and civic buildings all provide insight into a community's history. Other types of resources to be considered include the birthplaces, residences, and even summer homes of people associated with political, social, economic, spiritual, and cultural aspects of life in the town, state, or nation. Some places in Connecticut have inspired major works of art and music like the colonies of Impressionist painters that flourished in Cos Cob and Old Lyme in the early twentieth century.

ii. Interrelationships and Organization

The evaluation should take into account the relationship of buildings to one another and to the adjacent natural and built resources. The setback and orientation of buildings and the spacing between buildings may define the character and rhythm of a particular neighborhood.

The organization and arrangement of buildings, as well as the physical evolution of the community, provide insight into the history and development of the area. Many LHDs in Connecticut are centered on a traditional village green, an industrial mill site, or an important crossroads.

iii. Evolution

LHDs and LHPs may have significant buildings or structures associated with several distinct periods of development. The appearance of individual buildings and their spatial relationships may have changed over time in response to new technology, transportation improvements, or changing tastes. Many village greens, for example, did not acquire their present park-like character until after the Civil War. Historical societies and public libraries have collections of maps, prints, and photographs that can reveal aspects of transformation within a potential LHD or LHP.

iv. Historic and Prehistoric Archaeology

Archaeological sites, both historic and prehistoric, may be designated as LHPs. Archaeological sites that are known or suspected within an LHD are usually noted in the evaluation even if no visible buildings or structures exist.

b. Evaluating Architectural Character and Integrity

Historic preservation designation helps a city or town recognize and preserve the architectural characteristics that define the local community for residents and visitors alike. The LHD or LHP should be recognizable from the public way by its distinctive historic and architectural character. Newer buildings and structures that conform to the established development pattern or streetscape may be included within the LHD or LHP.

i. Architectural Styles and Periods

The character of a building or structure is partially represented by the architectural style, materials, construction techniques, and intended uses. Some buildings may incorporate features of one or more architectural styles, or they may be so simple and functional that they are not easily classified by style. Useful architectural guides include the *Field Guide to American Houses* by Virginia and Lee McAlester (New York: Alfred A. Knopf, 1984), *Identifying American Architecture* by John J-G. Blumenson (Nashville: AASLH, 1981), and the *Visual Dictionary of American Domestic Architecture* by Rachel Carley (New York: Henry Holt & Co., 1994). Others are listed in the bibliography.

A potential LHD or LHP may include not only the oldest houses, but also examples of buildings from different time periods. Given the state's long history, Connecticut cities and towns are rarely homogeneous.

Most historic districts include buildings of many styles and eras that reveal the evolution of the community, the impact of historical forces, changes in the economic base, and shifts in popular taste. Since the history of a community is continuous, even mid-century modern buildings such as residences, schools, and office buildings may be good examples of particular architectural styles and construction techniques.

ii. Outbuildings

The evaluation of historic resources should include smaller structures and outbuildings that are visible from the public way. Carriage houses, barns, privies, sheds, garages, and pool houses represent significant historical developments and may reflect the architectural designs common to their period. The *Field Guide to New England Barns and Farm Buildings* by Thomas D. Visser (Hanover, NH: University Press of New

England, 1997) is a useful key to understanding the age and function of many agricultural structures.

iii. Architectural Features

Architectural features and landscape structures (fences, walls, dams, or spillways) that contribute to the character of the LHD or LHP should be included in the evaluation. Buildings may represent a variety of architectural styles over time, or one particular style from a period of local prosperity may stand out. Characteristic features may include architectural design elements (porches, turrets, windows, and door surrounds); materials (brick, stone, wood, stucco, glass, or steel); and methods of construction (timber framing, balloon framing, load-bearing masonry, steel skeleton). The scale, setback, and massing or form of the buildings also help to define the visual character of the LHD or LHP.

iv. Alterations

Noting the sequence of change over time is another way to appreciate the community's history. In some Connecticut towns, modest older homes were expanded and upgraded during the Colonial Revival period of the early twentieth century. Others were modernized to suit current tastes. Still others have been restored to represent either the original appearance or a particular period in the building's history.

LHD and LHP designations are not intended to freeze buildings in time. Buildings may reflect changes in appearance or function that are an important part of their history.

v. Physical Setting

In some communities the pattern of open spaces (lot lines, yards, and driveways) and the arrangement of public amenities (benches, streetlamps, sidewalks, tree belts) define a particular spatial relationship that is representative of a certain historical period. Municipally installed structures form a part of the streetscape even though they are not subject to HDC review. All of these features work together to define the physical setting for the buildings and are important to preserve.

c. Evaluating Context

The context of the LHD or LHP is the way that the buildings and landscapes work together to form a cohesive whole. Districts may have intrusions such as vacant lots, parking areas, older buildings that have been extensively remodeled, or new buildings that interrupt the traditional development pattern. The context evaluation should focus on the dominant features that define the overall character of the historic area.

5. Ordinance

The report of the Study Committee will include a draft of the proposed local ordinance or ordinances. The LHD or LHP ordinance empowers the related commission and defines its jurisdiction and authority under the state enabling statute. The ordinance instructs the commission in its functions, duties, and powers.

Connecticut's enabling legislation for LHDs and LHPs (CGS, Section 7-147a to 7-147y inclusive) is very detailed and specific. It should be used as a guide for preparing the draft local ordinance, which may be amended later by the local legislative body.

The CCT will review and comment upon draft ordinances in advance as part of the standard review process, but the LHD or LHP designation is a *local* ordinance. For municipalities, the town attorney or corporation counsel should review the draft ordinance before it is included in the Study Committee Report.

It is imperative that the local ordinance contain a clause stating that the HDC or HPC is empowered to exercise all the powers, duties, and functions enumerated in CGS, Section 7-147a to 7-147k inclusive, or Section 7-147p to 7-147y inclusive, as amended. *This provision will provide a legal basis for a commission's decision on a matter covered in the statutes but not specifically spelled out in the local ordinance.*

The presence of a similar clause in certain local ordinances has been a crucial factor in validating the constitutionality of Connecticut HDCs and HPCs and justifying their decisions before the law. Questions about the enabling legislation and its relation to the local ordinance should be addressed to the municipal attorney.

6. Photographic Documentation

Photographic documentation is not required as part of the Study Committee process, but it is very helpful in building support for an LHD or LHP. A selection of current and historical photographs, maps, and other illustrations will be informative to anyone reviewing the Study Committee Report. A good recent photograph of each building provides a useful point of reference and may be complemented by historic views, particularly of streetscapes and public spaces.

The Study Committee may wish to work in partnership with the local historical society or the local library to compile an index of old photographs and views for use by property owners, researchers, commissioners, and town officials, or for attachment to the Study Committee Report.

7. Report Contents

To be considered complete, the Study Committee Report must include four required items: (1) an analysis of the historical and architectural significance of the proposed district, (2) a general description of the proposed district with the number and age of buildings, (3) a map showing the exact boundaries of the proposed LHD or LHP, and (4) a proposed ordinance. Additional items may be included in the

Study Committee Report in order to document the process and support the recommendations.

a. Analysis

The first section details the historical significance and architectural character of the buildings, structures, places, or surroundings to be included in the proposed LHD or LHP. While some history of the area may be cited, the analysis should emphasize and explain why these properties are significant in their current form. The section may outline the criteria for the proposed district, identify any recent or potential threats to the character of the district, and explain how the LHD or LHP ordinance could benefit the community.

b. Description

The second section details the number and age of all the buildings included within the boundaries of the proposed LHD or LHP. The report should include an index of all the properties in the proposed district—including those that are vacant or not historic—organized by street address. The index should include the street address of each property, the date of construction, the historic name of the property, the architectural style, and a summary of the total number of buildings and properties in the proposed district. Copies of historic resource inventory forms may be included as part of the report.

c. Boundaries and Map

The third section describes the specific boundaries of the proposed LHD or LHP. The criteria and justification for the boundaries should reference historical patterns of development as well as the current visual appearance of the proposed district. A narrative description of the boundary must be included.

The report must include a map of sufficiently large scale showing:

- i.** The exact boundaries of the proposed LHD or LHP, including north arrow, street names, scale, title, date, and a legend
- ii.** The property lines of individual properties to be included, in whole or in part, in the proposed LHD or LHP, with the total boundary of each property in the proposed LHD or LHP shown, even if it is proposed to include only a portion of a specified property
- iii.** The assessor's parcel code used to link each property with other town records.

d. Draft Ordinance

The fourth section is a complete draft of the proposed ordinance under the authority of the state enabling statute. The draft ordinance should outline how the LHD or LHP is to be created and how the HDC or HPC will operate. The language of the ordinance should be reviewed by the town attorney or corporation counsel prior to its inclusion in the Study Committee Report.

The report may also include draft regulations and procedures for the administration of the LHD or LHP in accordance with the state enabling statute.

e. Supplemental Items

In addition to the four required components, the Study Committee Report may include other material that helps to explain or justify the proposed LHD or LHP designation:

- i.** An introduction explaining what an LHD or LHP is, why the designation is needed, and how it will benefit the community
- ii.** Names of the Study Committee members and others involved in the preparation of the report
- iii.** A statement of methodology explaining why and when the Study Committee was created, why it chose this property or area for consideration, how residents and property owners have been involved in the process, and how the Study Committee reached its conclusions
- iv.** Good-quality record photographs showing significant structures in the proposed district and multiple views of the streetscape or district from various points along the public way
- v.** A copy of the Secretary of the Interior’s Standards for the Treatment of Historic Properties (36 CFR Part 68) to give property owners an idea of how exterior changes might be reviewed. Specific local guidelines will be drafted by the HDC or HPC after the proposed district is approved.

E. Distribution of the Study Committee Report and Recommendations

As the Study Committee compiles the draft of its report, the committee should contact CCT and request that a staff representative schedule an on-site inspection of the proposed district or property. CCT staff can meet with the Study Committee and identify any potential problems or weaknesses that might need to be addressed in the Study Committee Report. Early consultation with CCT will give the Study Committee the opportunity to revise or amend the report without being constrained by the subsequent sixty-five-day review period.

Prior to scheduling the local public hearing, copies of the completed Study Committee Report will be distributed to CCT, the municipal planning and zoning commissions (or combined planning and zoning commission), or, in their absence, to the chief elected official of the municipality. CCT and the local planning and zoning authority are allowed sixty-five days to complete their review and submit any comments and recommendations to the Study Committee. If no comments or recommendations are received from a reviewing agency within sixty-five days, then the Study Committee may assume endorsement of the report by that agency or commission.

CCT requires receipt of twenty-two copies of the report for distribution to departmental staff and to the Connecticut Historic Preservation Council

(CHPC). Once the report is determined by CCT staff to be technically complete, formal consideration of the proposed LHD or LHP designation will be scheduled for the earliest possible monthly meeting of the CHPC.

Occasionally, CCT may require more than one month to schedule a report for consideration by CHPC. As a result of its review, CCT may recommend approval, disapproval, alteration (including boundary adjustments), or rejection of the proposed ordinance establishing the LHD or LHP.

Once the required agencies have had an opportunity to comment, the Study Committee will mail printed copies of the entire report, including comments and recommendations, to every owner of real property in the proposed LHD or LHP. The Study Committee Report must also be available upon request at the municipal clerk's office or by mail. The report may also be posted or summarized on the municipal web site.

F. Public Hearing

The Study Committee must conduct a public hearing to receive comment on the proposed establishment of an LHD or LHP designation not less than sixty-five or more than one hundred thirty days after the Study Committee Report is submitted to CCT and the local planning and zoning authority.

Specific rules and procedures govern the advertisement and conduct of public hearings. Failure to adhere to and enforce these rules would not only reflect poorly on the Study Committee and its work, but could potentially invalidate any subsequent actions including designation of the LHD or LHP. The Connecticut enabling statute requires that notice of the time and place of the hearing shall be advertised in the following ways:

1. Written Notice

Written notice must be given to all property owners of record included in the proposed LHD or LHP, as they appear on the last completed grand list, at least fifteen days before the hearing. Written notice includes:

- a. The preliminary report of the Study Committee (or a substantial synopsis)
- b. All recommendations made by the planning and zoning authority and CCT
- c. A map showing the boundaries of the proposed LHD or LHP
- d. The proposed LHD or LHP ordinance

2. Legal Advertisement

A legal advertisement for the public hearing must be published twice in the local newspaper, the first time between ten and fifteen days preceding the hearing, and the second at least two days after the first notice but more than two days prior to the hearing.

The public hearing represents the final and most important presentation that will be made to property owners, local officials, residents, and the general public regarding the proposed LHD or LHP designation prior to the vote of property owners. Prior to scheduling the meeting, the Study Committee should have completed its public outreach, resolved any major differences of opinion, and garnered significant public support for the proposed historic preservation designation.

The summary presentation of the Study Committee at the public hearing should include:

- 1.** A general introduction and welcome
- 2.** A summary of the history and significance of the district or property
- 3.** The challenges facing the historic resources
- 4.** The benefits of LHD or LHP designation
- 5.** How an LHD or LHP works and its legal basis
- 6.** What is and is not reviewed in an LHD or LHP
- 7.** A description of the proposed boundaries
- 8.** A description of the provisions of the local ordinance
- 9.** How an LHD or LHP would address the issues facing the community
- 10.** Examples of nearby towns with LHDs or LHPs

The Freedom of Information Act applies to all municipal public hearings. In addition to the written notice and legal advertisement, detailed minutes should provide a record of the public hearing, including a list of speakers and a summary of public comments, discussion, or requests for information. The minutes should be submitted to the town clerk as a part of the public record within one week of the public hearing.

By the time of the hearing, the Study Committee will be well versed in the details of the proposal and should be prepared to offer coherent and persuasive information on the benefits of LHD or LHP designation. The chair or moderator of the meeting should set a courteous, thoughtful, and controlled tone for the meeting, and allow ample time for public comment and discussion. Occasionally, the moderator may need to intervene to keep the meeting on topic and ensure that everyone has an opportunity to speak.

Members of the local legislative body and other municipal leaders should be encouraged to attend the public hearing, since they will be responsible for formally receiving the Study Committee Report and voting to enact or reject the proposed ordinance. The local legislative body will need to understand the nature and benefits of LHD or LHP designation and be aware of public sentiment for the proposed designation.

The public hearing itself should be conducted in a professional and effective manner. It represents the greatest opportunity to make the case for the historic preservation regulations in the community. The Study Committee members must be well-prepared, well-informed, and open to all comments. Inadequate preparation, poorly organized presentations, or lack of civility can seriously undermine the work of the Study Committee in promoting the LHD or LHP designation.

At the public hearing, a representative of the Study Committee should make a brief presentation addressing the points below, then open the floor for questions and discussion. A slide show or PowerPoint presentation may be an effective way to present some of the information. The Study Committee may also wish to distribute a one-page handout that summarizes the concept and anticipated benefits of the LHD or LHP designation.

Members of the Study Committee should be prepared to answer questions and address any concerns expressed by property owners and residents. The Study Committee may want to invite members of HDCs or HPCs from nearby towns, members of the local historical society, and other people knowledgeable about local history and LHDs or LHPs to participate. Supporters of the LHD or LHP may be contacted in advance and invited to speak as well.

The local media should be notified of the public hearing and may be given copies of the Study Committee Report. Having a follow-up article or letter to the editor after the meeting is a good way of perpetuating the momentum of the Study Committee's work.

G. Balloting of Property Owners

All property owners in the proposed LHD or LHP have the opportunity to vote directly on its establishment. In order to proceed, the proposed LHD or LHP must be approved by two-thirds (2/3) of the property owners who vote.

LHDs or LHPs cannot be established without substantial support from property owners. The Study Committee may work with community leaders in advance of the vote in order to gauge the level of support and identify property owners or residents who may have questions about the proposed LHD or LHP. Once the report of the Study Committee is submitted, the balloting of property owners must take place.

The voting by property owners is conducted by **written secret ballot** and is administered by the municipal clerk. Within sixty-five days of the public hearing, the Study Committee will submit its final report, with revisions, to both the legislative body and the city or town clerk. Upon receipt of the final Study Committee Report, the clerk issues paper ballots to all property owners in the proposed district in accordance with the following rules:

1. Who May Vote

Any property owner within the proposed LHD or LHP shall be entitled to vote, provided that the property owner (a) is at least eighteen years of age, (b) is liable to the municipality for taxes on an assessment of at least \$1,000 on the last completed grand list (or whose predecessors in title were so liable), and (c) is listed as the owner of record for the property at least thirty days before the date on which ballots must be returned.

Any property owner within the proposed LHD or LHP who is exempt from property taxes under CGS, Section 12-81, Subsection (7), (8), (10), (11), (13), (14), (15), (16), (17), (20), (21), (22), (23), (24), (25), (26), (29), or (49) shall be entitled to vote. The exemptions apply to certain non-profit or charitable organizations and to individuals with certain disabilities or benefits. (See list on side bar.)

Any tenant in common of any freehold interest in any land within the proposed LHD or LHP shall have a vote equal to the fraction of that tenant in common's ownership in said interest.

Joint tenants of any freehold interest shall vote as if each joint tenant owned an equal fractional share of that land.

A corporation owning land within the proposed LHD or LHP shall have its vote cast by the chief executive officer or that person's designee.

An owner of multiple properties within the proposed LHD or LHP district shall have a single vote, not one vote for each property.

No owner shall have more than one vote.

Tax Exempt Property Owners Who May Vote:

- Property of the United States
- State Property and reservation land
- Municipal property
- Property held by trustees for public purposes
- Property of volunteer fire companies
- Property devoted to public use
- Property used for scientific, educational, literary, historical or charitable purposes
- College property
- Property belonging to agricultural or horticultural societies
- Property held for cemetery use
- Houses of religious worship
- Property of religious organizations used for certain purposes
- Houses used by officiating clergymen as dwellings
- Hospitals and sanatoriums
- Property of Blind persons
- Property of servicemen and veterans having disability ratings
- Disabled veteran with severe disability
- Surviving spouse or minor child or serviceman or veteran
- Serviceman's surviving spouse receiving federal benefits
- Surviving spouse and minor child of veteran receiving compensation from the Veteran's Administration
- Surviving parent of deceased serviceman or veteran
- Parents of veterans
- Property of the American Red Cross
- Non-profit camps or recreational facilities for charitable purposes

2. Content of Ballots

The ballot must be formatted in accordance with the model ballot developed by CCT as provided in CGS, Section 10-409c. Sample ballot forms are available from CCT.

The ballot will include the question of whether the owner approves or disapproves of the proposed creation of an LHD or LHP, a return envelope addressed to the municipal clerk's office, and the following statement which the owner must sign and date to verify ownership of property in the proposed LHD or LHP and the consequent right to vote:

"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."

3. Mailing Ballots

Within sixty-five days of receipt of the final Study Committee Report, the municipal clerk shall mail the paper ballots to all property owners in the proposed LHD or LHP. The ballots must be mailed TO PROPERTY OWNERS at least 15 days prior to the return deadline set by the municipal clerk.

4. Legal Notice

Notice of balloting must be published in the form of a legal advertisement appearing in a local newspaper at least twice, at intervals of not less than two days, the first notice appearing not more than fifteen days nor less than ten days, and the last notice appearing not less than two days, before the day on which the ballots must be returned.

5. Return of Ballots

Ballots must be received by the municipal clerk by the close of business on the day specified as the return deadline. It is the task of the municipal clerk to compare the ballots received against the list of property owners of record within the proposed LHD or LHP, tally the votes for and against the proposed LHD or LHP, and provide the results of the vote to the legislative body.

H. Action by the Legislative Body of the Municipality

If two-thirds (2/3) of all the votes received from property owners in a proposed LHD or LHP are recorded in the affirmative, or if in the case of an LHP designation the owner(s) of the property do not submit a formal letter stating their objection within thirty days of the public hearing, the legislative body may proceed with consideration of the proposed LHD or LHP designation.

Prior to the meeting of the legislative body or the authorized town meeting, the Study Committee may prepare and distribute a printed summary of the significance of the proposed LHD or LHP and the benefits associated with historic preservation designation. Property owners and residents may wish to present written comments or a signed petition to the legislative body expressing their views on the proposed LHD or LHP designation.

The Study Committee may wish to encourage supportive legislators, community leaders, and residents to attend the meeting of the local legislative body. Legislators should understand that this is an important meeting, and that their vote could be decisive. Members of the Study Committee should be present and be prepared to provide information or answer any questions about the report during the meeting if requested.

At the meeting the legislative body may decide to:

1. **Accept the Report**

Accepting the Study Committee Report as submitted means enacting an ordinance that creates and provides for the operation of the proposed HDC or HPC. The proposed ordinance will constitute an important part of the final report as submitted to the legislature.

2. **Reject the Report**

The legislative body may choose to reject the Study Committee Report and state its reasons for doing so.

3. **Return the Report to the Study Committee for Revision**

In some cases, the legislative body may vote to return the report to the Study Committee with recommendations for revisions and statements articulating its reasons for doing so. In that case, the Study Committee will have sixty-five days to submit a revised report to the legislative body of the municipality.

If the revised report includes a change in the boundaries of the proposed LHD or LHP, it will be necessary to hold another public hearing and to have another vote of the property owners, assuming that the revision alters the number of real property owners within the proposed LHD or LHP. If there is no change to the boundaries or the affected properties, then no additional hearing or balloting is required, and the legislature may vote again on the basis of the revised Study Committee Report.

For these reasons, the Study Committee may want to communicate with the local legislative body well in advance of the vote in order to build support for the report and to anticipate any changes that may be required.

I. Final Steps**1. Filing of Land Records**

The legislative body, when it accepts the final report of the Study Committee and passes an ordinance, must transmit a copy of the ordinance, including a legal description of the area to be included in the LHD or LHP to the municipal clerk. The ordinance should then be recorded in the land records of the municipality and indexed under the names of the owners of record by the municipal clerk.

2. Appointment of Commissioners

Once the proposed LHD or LHP has been established, the Study Committee will cease to exist, and the HDC or HPC will take its place, assuming all the roles and responsibilities outlined by the local ordinance and the enabling statute. The local ordinance establishes the authority to appoint commission members.

IV. TIMELINE OF PROCEDURES

Based on the state enabling legislation, the simplified timeline summarizes the dates and deadlines which must be met in the process of establishing an LHD or LHP designation. This timeline officially begins when the preliminary report of Study Committee is submitted to CCT and to the local planning and zoning authority or authorities. While a great deal of work will have taken place before this point, the initial research and preparation of the Study Committee Report is not subject to any particular time constraint unless one is imposed by the local legislative body that appoints and authorizes the Study Committee.

Timeline of Actions on the Study Committee Report	
Step 1.	Study Committee submits draft of report to CCT and the local planning and zoning authorities (or in their absence, to the chief elected official).
Step 2.	Within sixty-five days from draft submittal (Step 1), Study Committee receives comments and recommendations from initial review agencies.
Step 3.	<p>Within sixty-five to 130 days from draft submittal (Step 1), Study Committee schedules public hearing, properly noticed and posted, and holds public hearing.</p> <ul style="list-style-type: none"> • Study Committee Report and notice of public hearing are mailed to property owners at least fifteen days in advance of the hearing. • Legal notice is published twice in the local newspaper (once ten to fifteen days in advance of the public hearing and once at least two days in advance of the hearing).
Step 4.	Within sixty-five days from the public hearing (Step 3), Study Committee compiles comments and recommendations, makes revisions, and submits the completed report to the local legislative body and the municipal clerk.
Step 5.	<p>Within sixty-five days from submission of the final report (Step 4), the municipal clerk mails paper ballots to all owners of record in the LHD or LHP.</p> <ul style="list-style-type: none"> • Ballots must be mailed at least fifteen days in advance of the required date of return. • Legal notice of balloting must be published twice in the local newspaper (once ten to fifteen days in advance of the balloting and once at least two days in advance of the balloting).
Step 6.	<p>At least fifteen days after the mailing of ballots (Step 5), the municipal clerk certifies the results of the balloting.</p> <ul style="list-style-type: none"> • If two-thirds (2/3) of property owners who voted endorse the establishment of the proposed LHD or LHP, the Study Committee Report and the draft ordinance are forwarded to the local legislative body for action.
Step 7.	<p>At a duly posted meeting, the local legislative body may:</p> <ul style="list-style-type: none"> • Accept the Study Committee Report and enact a local ordinance to establish the historic district or historic property • Reject the Study Committee Report for stated reasons • Return the report to the Study Committee to consider amendments and revisions
Step 8a.	If the local legislative body has accepted the Study Committee Report and enacted the local ordinance (Step 7), the municipal clerk shall record and index the LHD or LHP designation in the municipal land records.
Step 8b.	If the local legislative body has rejected the Study Committee Report (Step 7) the process is terminated.
Step 8c.	<p>If the local legislative body returns the Study Committee Report for amendment or revision (Step 7), the Study Committee must submit the revised report within sixty-five days.</p> <ul style="list-style-type: none"> • If the revision or amendment entails a change in boundaries, a new public hearing is required (Step 3). • If the revision or amendment entails adding properties, the local legislative body must authorize a new round of balloting (Step 5).
Step 9.	Once the LHD or LHP has been designated, the Study Committee ceases to exist, and the HDC or HPC is appointed under the new ordinance.

V. KEY SECTIONS OF THE ENABLING STATUTE

Procedures for establishment of historic district (CGS, Section 7-147b)

1- 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:

i. 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;

ii. 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;

iii. a map showing the exact boundaries of the area to be included within the district or districts;

iv. 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;

v. 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:

i. 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

ii. 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 Connecticut Commission on Culture and Tourism pursuant to section 10-320b. 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 nor 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 defined 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:

i. 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;

ii. reject the report of the committee, stating its reasons for such rejection;

iii. 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.)

History: 1963 act amended Subsec. (c) to extend time for recommendations after receipt of report from sixty to ninety days and to authorize Connecticut Commission on Culture and Tourism 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 one hundred twenty 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 sixty-five days after report sent to commissions unless conditions specified in exception are met, amended Subsec. (e) to require fifteen rather than twenty 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 sixty to sixty-five 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 seventy-five per cent 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 Commission on Culture and Tourism. Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727, 729. Cited. 196 C. 596, 599, 600, 604, 608, 612. Cited. 227 C. 71, 74. Subsec. (a): Cited. 43 CS 297, 311. Subsec. (b): Cited. 189 C. 727, 730. Subsec. (c): Cited. 189 C. 727, 730. Subsec. (d): Cited. 189 C. 727, 731, 734, 735. Subsec. (e): Cited. 189 C. 727, 731. Subsec. (g): Cited. 189 C. 727, 731, 732. Each condominium unit owner "entitled to a vote proportionate to his freehold interest in the land..." 196 C. 596, 599, 601, 603-605, 608, 610-613. Subsec. (i): Cited. 196 C. 596, 598.

Procedures for establishment of historic properties (CGS Section 7-147q)

2. Sec. 7-147q. Procedures for establishment of historic properties.

Prior to the designation of an historic property or properties, 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 properties study committee for the purpose of making an investigation of one or more proposed historic properties. The legislative body of a municipality which proposes to establish more than one historic property may establish more than one committee. An already existing historic properties commission or an historic district commission established in the municipality pursuant to part I of this chapter may be appointed to make this investigation. 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 properties study committee shall investigate and submit a report which shall include the following:

i. An analysis of the historic significance and architectural merit of the buildings, structures, objects or sites proposed as historic properties;

ii. a map showing the exact boundaries of the area to be designated as the historic property or properties;

iii. a proposed ordinance or proposed ordinances designed to designate and provide for the protection of an historic property or properties in accordance with the provisions of this part; and

iv. such other matters as the committee may deem necessary or advisable.

c. The historic properties 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 historic property. 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 properties study committee shall hold a public hearing on the designation of each proposed historic property 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 by certified mail to the owner or owners of record of the real property to be included in each proposed historic property, 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 properties 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 real property to be included in each proposed historic property 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 property or properties 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 properties 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 of the municipality within sixty-five days after the public hearing.

g. The owner or owners of record of a proposed historic property may object to the proposed designation by submitting to the historic properties study committee or to the legislative body of the municipality a notarized statement certifying that the person filing such objection is the entire or partial owner of the property and objects to the designation. Unless persons holding fifty per cent or more of the ownership interest in a proposed historic property object to the proposed designation within

thirty days following the public hearing held pursuant to subsection (d) of this section, the legislative body of the municipality shall, by majority vote, take one of the following steps: (1) Accept the report of the committee as to the proposed historic property and enact an ordinance to designate the historic property and provide for its regulation in accordance with the provisions of this part; (2) reject the report of the committee, stating its reasons for such rejection; or (3) return the report to the historic properties study committee, with such amendments and revisions as it may deem advisable, for consideration by the committee. The committee shall, within sixty-five days of such return, submit an amended report to the legislative body and mail by certified mail a copy of the amended report to the owner or owners of record of each proposed historic property covered by the report. The committee need not hold a public hearing other than the one provided for in subsection (d) of this section. Unless persons holding fifty per cent or more of the ownership interest in a proposed historic property object to the proposed designation within thirty days of receipt of the amended report by written submission in the manner set forth in this subsection, the legislative body of the municipality may accept or reject the amended report as provided in this subsection.

h. Any ordinance, or amendment thereof, enacted pursuant to this part, which designates or alters historic property boundaries, shall contain a legal description of the area to be included within each historic property. 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.

(P.A. 84-286, S. 2.)

VI. BIBLIOGRAPHY AND RESOURCES

A. Organizations

Connecticut Commission on Culture & Tourism
One Constitution Plaza, 2nd floor
Hartford, CT 06103
Tel. 860-256-2800
Web site: www.cultureandtourism.org

Connecticut Trust for Historic Preservation
940 Whitney Ave.
Hamden, CT 06517
Tel. 203-562-6312
Web site: www.cttrust.org

National Trust for Historic Preservation
Northeast Regional Office
7 Faneuil Hall Marketplace, 4th floor
Boston, MA 02109
Tel. 617-523-0885
Web site: www.PreservationNation.org

National Park Service
National Register of Historic Places
1849 C Street, NW (2280)
Washington, DC 20240
Tel. 202-354-2211
Web site: www.nps.gov/history/nr/

National Conference of State Historic Preservation Officers
Hall of the States, Suite 342
444 North Capitol St., NW
Washington, DC 20001
Tel. 202-624-5465
Web site: www.ncshpo.org

Connecticut State Library
231 Capitol Ave.
Hartford, CT 06106
Tel. 860-757-6500
Web site: www.cslib.org

Connecticut Historical Society
One Elizabeth St.
Hartford, CT 06105
Tel. 860-236-5621
Web site: www.chs.org

B. Historical Resources

Barber, John Warner. *Connecticut Historical Collections*. New Haven, CT: Durrice & Peck and J.W. Barber, 1836. Facsimile, Bibliopola Press, 1999. Includes brief descriptions and woodcut views of most Connecticut communities.

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- Gray, Ormando Willis. *Atlas of Windham and Tolland Counties . . . From Actual Surveys*. D.G. Keeney, 1869.

Drawings, prints, photographs, and postcards of Connecticut communities, ca 1800-1940 in digitized form on the Connecticut History Online web site, www.cthistoryonline.org.

Panoramic maps or “birds-eye” views of Connecticut communities, produced by various companies ca. 1881-1921. Digitized maps of more than twenty Connecticut cities and towns versions are available on the Library of Congress web site (<http://memory.loc.gov>)

Sanborn Fire Insurance Maps. Various years available in libraries and archives in Connecticut. “Digital Sanborn Maps, 1867-1970,” at www.sanborn.umi.com (subscription web site).

C. Technical Resources

Blumenson, John J.G. *Identifying American Architecture: A Pictorial Guide to Styles and Terms*. Walnut Creek, CA: Alta Mira Press, 1995.

Carley, Rachel. *The Visual Dictionary of American Domestic Architecture*. NY: Henry Holt & Co., 1994.

Cassity, Pratt. *Maintaining Community Character: How to Establish a Local Historic District*. Rev. ed. Washington, DC: National Trust for Historic Preservation, 2001.

Cox, Rachel. *Design Review in Historic Districts*. Rev. ed. Washington, DC: National Trust for Historic Preservation, 2003.

Gorski, Eleanor. *Regulating New Construction in Historic Districts*. Washington, DC: National Trust for Historic Preservation, 2009.

McAlester, Virginia, and McAlester, Lee. *Field Guide to American Houses*. NY: Knopf, 1984.

National Register of Historic Places *Bulletins*—available for free download at www.nps.gov/history/nr/publications:

Bulletin #15: How to Apply the National Register Criteria for Evaluation

Bulletin #24: Guidelines for Local Surveys: A Basis for Preservation Planning

Bulletin #39: Researching a Historic Property

Poppeliers, John C., and S. Allen Chambers, Jr. *What Style Is It? A Guide to American Architecture*. Rev. ed. Washington, DC: National Trust for Historic Preservation, 2003.

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. Washington, DC: United States Dept. of the Interior, National Park Service, Heritage Preservation Services, 1992. (GPO stock number 024-005-01157-9).

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PART TWO
How to Administer an Historic District or Historic Property Commission: How to be Legitimate

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I. INTRODUCTION TO PART TWO

While Part One of the **Handbook** dealt with the process of designating a Local Historic District (LHD) or a Local Historic Property (LHP), and establishing a related Historic District Commission (HDC) or Historic Property Commission (HPC), Part Two addresses the *administration of existing commissions*. It is intended to assist commissioners in fulfilling their basic public and regulatory responsibilities in a fair and justifiable manner.

II. WHAT IS THE HISTORIC DISTRICT COMMISSION OR HISTORIC PROPERTY COMMISSION

Local Historic District Commissions (HDC) and Historic Property Commissions (HPC) are units of local government, also known as public bodies. They are established through a local legislative process, which is described at length in Part One of the Handbook.

HDCs and HPCs are charged with serving the general welfare through the protection and preservation of the historic resources within their jurisdiction. Specifically, they have the legal authority to review and determine the appropriateness of any changes to those parts of the exterior of a building within the district that are visible from a public place or way, as well as the appearance of new buildings erected in the designated district.

Property owners in the LHD or LHP are subject to the historic property designation, and must apply to the HDC or HPC for a **certificate of appropriateness** before making any alterations that would affect the exterior of the building or structure and before constructing or demolishing a building or structure. In reviewing the application, the HDC or HPC must consider whether the proposed alterations are “not incongruous” with the historic character of the property and/or the district as a whole, then vote accordingly to approve or deny the application. Without a certificate of appropriateness property owners may not begin exterior work on the property or receive a building permit.

A. Historic District Commissions and Historic Property Commissions and the Law

Design review authority over most exterior alterations to the buildings or structures within their jurisdiction represents one of the strongest forms of preservation protection under the law. The legal character of HDCs and HPCs constitutes the source and limits of their regulatory authority. By reviewing applications and voting to issue or deny certificates of appropriateness, HDCs and HPCs have the opportunity to make *legally binding* decisions that ensure that architectural changes in the LHD or LHP are made with respect and consideration for the historic character of the property and the community as a whole.

As public bodies, HDCs and HPCs have a responsibility to uphold the public’s constitutional right to due process and equal treatment under the law. State and local laws set forth in detail the rules and procedures an HDC must adhere to in conducting public meetings and in reviewing applications. Failure to follow procedures may result in the overturning of an HDC’s or HPC’s decision by the courts and a loss of credibility for that body. All HDC and HPC members should be familiar with the laws that govern the HDC, should act in accordance with those laws, and should strive to deliver decisions that uphold the mission of local preservation commissions.

The subtitle of Part Two, *How To Be Legitimate*, is intended to highlight the legal character of HDCs and HPCs, and to guide commissioners through the basic legal framework that affects the commission’s activities. It is not a substitute for professional legal advice. HDCs and HPCs should direct any particular issues or concerns to the appropriate municipal attorney or corporation counsel.

The section begins with a consideration of the relevant legislation regarding HDCs and HPCs, then moves to a discussion of related court cases, and concludes with a step-by-step account of the rules of procedure that an HDC or HPC must follow. In addition to the basic requirements for operating legally that are described here, several discretionary powers are granted to HDCs and HPCs in the state statute and local ordinance. The discretionary powers are addressed by example in Part Three of the Handbook, *How to Be Effective*.

**B. The Legal Basis
for Historic District
Commissions and
Historic Property
Commissions**

The legal authority of HDCs and HPCs is both legislative and judicial.

Legislative

State laws authorize the creation of HDCs and HPCs, define their purpose, and describe the procedural responsibilities. The *enabling statute* (**Connecticut General Statutes (CGS), Section 7-147a-y**) authorizes the creation of HDCs and HPCs, delimits their authority, and prescribes the means through which that authority is exercised.

As units of local government, HDCs and HPCs must also adhere to the State of Connecticut's **Freedom of Information Act (CGS, Chapter 14, Sections 1-7 and 1-200)**, which provides rules for legal notices, public meetings, and record keeping.

Local laws further delimit the authority and jurisdiction of HDCs and HPCs and define the operating procedures. The *local ordinance* establishes an HDC or HPC in accordance with the state enabling statute. The HDC or HPCs must then adopt its own internal *rules of procedure* that must comply with both the state enabling statute and Freedom of Information Act.

Judicial

The legality and constitutionality of local preservation commissions have been upheld in numerous state and federal courts, including the United States Supreme Court and the Connecticut Supreme Court.

Decisions in court cases apply only to the specific case and do not change the language or requirements of the state enabling statute. While court decisions may provide guidance for future consideration, only the state legislature can alter or amend the enabling statute.

III. RELEVANT STATE LEGISLATION

The authority to designate an HDC or HPC is granted to municipalities by the State. As such, all commission activities must comply with and operate within the parameters of state law. While HDCs and HPCs can further specify and interpret that law, they may not supersede it.

A. Historic District Commission and Historic Property Commission Enabling Legislation

The state enabling statute (CGS, Section 7-147) is the *single most important document* with respect to the creation and operation of HDCs and HPCs in Connecticut. Not only does it authorize municipalities to establish HDCs and HPCs, it defines their mission, delimits their purview, and lays out in detail how they operate. As such, local commissioners should be *thoroughly familiar* with its contents and should return to it for guidance throughout their tenure.

OUTLINE OF SECTION 7-147 OF THE CONNECTICUT GENERAL STATUTES

The following outline of the CBS, Section 7-147a-y, will help HDC and HPC members find the relevant sections for their needs. Section 7-147a-k (inclusive) deals with LHDs. Section 7-147p-y (inclusive) covers LHPs. The footnotes to the section, in italics, describe the amendments that have been made to the statute over the course of its life.

PART ONE: Historic Districts

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

- (a) Definitions
- (b) Authorization
- (c) Appropriations

Section 7-147b. Procedure for establishment of historic district.

- (a) Appointment of Historic District Study Committee
- (b) Report of Study Committee: Contents
- (c) Submission of Report of Study Committee to CCT, Planning and Zoning
- (d) Public Hearing
- (e) Notice for Public Hearing
- (f) Submission of Report of Study Committee to Local Legislative Body
- (g) Balloting of Property Owners
- (h) Format of Ballot and Deadlines
- (i) Voting Results, Legislative Action
- (j) Ordinance, Land Records

Section 7-147c. Historic district commission.

- (a) Creation of Historic District Commission
- (b) Amending the District
- (c) Amending the Local Ordinance
- (d) Membership and Officers
- (e) Adopting Rules of Procedures
- (f) Keeping Permanent Records
- (g) Reporting to CCT, Annual Reports
- (h) Gifts and Appropriations
- (i) Multiple Historic District Commissions
- (j) Discretionary Powers

Section 7-147d. Certificate of appropriateness: Parking areas.

- (a) Requirement of Certificate of Appropriateness for Property Owners
- (b) Certificates of Appropriateness and Building Permits
- (c) Request for Information, Signage, Paint Color
- (d) Regulation of Parking

Section 7-147e. Application for certificate. Hearing. Approval.

- (a) Public Hearing and Legal Notice
- (b) Quorum, Majority Vote, Sixty-five-day Deadline, Approval, Denial, Stipulations

Section 7-147f. Considerations in determining appropriateness. Solar energy systems.

- (a) Scope of Consideration, Renewable Energy Systems, Parking
- (b) Interiors, Adaptive Reuse

Section 7-147g. Variations, permissible when.

Section 7-147h. Action by commission to prevent illegal acts.

- (a) Enforcement
- (b) Fines

Section 7-147i. Appeals.

Section 7-147j. Exempted acts. Delay of demolition.

- (a) Maintenance and Repair; Public Safety; Previously Approved Projects
- (b) Ninety-day Demolition Delay

Section 7-147k. Prior districts unaffected. Validation of prior creations and actions. Nonprofit institutions of higher education excluded.

- (a) Validation
- (b) Institutions of Higher Education Excluded

PART TWO: Historic Properties

Section 7-147p. Historic property ordinances authorized. Definitions.

- (a) Definitions
- (b) Authorization
- (c) Appropriations

Section 7-147q. Procedures for establishment of historic properties.

- (a) Appointment of Historic Property Study Committee
- (b) Report of Study Committee: Contents
- (c) Submission of Report to CCT, Planning and Zoning
- (d) Public Hearing
- (e) Notice of Public Hearing
- (f) Submission of Report to Legislative Body
- (g) Decision of Property Owner
- (h) Ordinance, Land Records

Section 7-147r. Historic properties commission.

- (a) Historic Properties Commission
- (b) Designation of Additional Properties

Section 7-147s. Certificate of appropriateness.

- (a) Requirement for Certificate of Appropriateness
- (b) Building Permits and Certificates of Appropriateness
- (c) Information, Signage, Paint Color
- (d) Parking

Section 7-147t. Procedure for application for certificate.

Section 7-147u. Considerations in determining appropriateness.

Section 7-147v. Variations, permissible when.

Section 7-147w. Action by commission to prevent illegal acts.

Section 7-147x. Appeals.

Section 7-147y. Exempted Acts. Delay of demolition.

- (a) Maintenance and Repair; Public Safety; Previously Approved Projects
- (b) Ninety-day Demolition Delay

COMPLETE TEXT OF CONNECTICUT GENERAL STATUTES, SECTION 7-147

Part One: Historic Districts

**Cited. 196 C. 596,
602, 607.*

*N.B.: The first part
of the enabling statute
(Sec. 7-147a-o)
provides comprehensive,
detailed legislative
requirements for
establishment of
an historic district.
Historic properties
are covered by the
subsequent section
(Sec. 7-147p-y).*

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.

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 sixty to ninety 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 one hundred twenty 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 sixty-five days after report sent to commissions unless conditions specified in exception are met, amended Subsec. (e) to require fifteen rather than twenty 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 sixty to sixty-five 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 seventy-five per cent 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 recommen-

dations 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.

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 sixty to one hundred twenty 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 sixty-five 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.

**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.

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 build-

ing, 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 divided section into Subsecs., clarified procedure for obtaining remedy by specifying that commission may institute action in superior court and detailing types of orders court may make and added provisions re assessment of court costs, fees, etc. and re commission's use of fines.

See Sec. 51-197b re administrative appeals.

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

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.

Secs. 7-147l and 7-147m. Method of balloting; eligibility to vote; balloting on prior districts.

Sections 7-147l and 7-147m are repealed.

(1963, P.A. 600, S. 4, 5; 1971, P.A. 333; 1972, P.A. 127, S. 8; P.A. 75-158; P.A. 78-285; P.A. 80-314, S. 12.)

Secs. 7-147n and 7-147o. Reserved for future use.

**Part Two:
Historic Properties**

**Cited. 196 C. 596.*

N.B.: The first part of the enabling statute (Sec. 7-147a-o) provides comprehensive, detailed legislative requirements for establishing an historic district. Historic properties are covered by the subsequent section (Sec. 7-147p-y).

Sec. 7-147p. Historic property ordinances authorized. Definitions.

(a) As used in this part: “Historic property” means any individual building, structure, object or site that is significant in the history, architecture, archaeology and culture of the state, its political subdivisions or the nation and the real property used in connection therewith; “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.

(b) Any municipality may, by ordinance and in conformance with the standards and criteria formulated by the Connecticut Commission on Culture and Tourism, designate within its confines an historic property or properties to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of individual 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.

(P.A. 84-286, 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: 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.

Sec. 7-147q. Procedures for establishment of historic properties.

Prior to the designation of an historic property or properties, 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 properties study committee for the purpose of making an investigation of one or more proposed historic properties. The legislative body of a municipality which proposes to establish more than one historic property may establish more than one committee. An already existing historic properties commission or an historic district commission established in the municipality pursuant to part I of this chapter may be appointed to make this investigation. 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 properties 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, objects or sites proposed as historic properties; (2) a map showing the exact boundaries of the area to be designated as the historic property or properties; (3) a proposed ordinance or proposed ordinances designed to designate and provide for the protection of an historic property or properties in accordance with the provisions of this part; and (4) such other matters as the committee may deem necessary or advisable.

(c) The historic properties 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 historic property. 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 properties study committee shall hold a public hearing on the designation of each proposed historic property 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 by certified mail to the owner or owners of record of the real property to be included in each proposed historic property, 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 properties 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 real property to be included in each proposed historic property 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 property or properties 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 properties 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 of the municipality within sixty-five days after the public hearing.

(g) The owner or owners of record of a proposed historic property may object to the proposed designation by submitting to the historic properties study committee or to the legislative body of the municipality a notarized statement certifying that the person filing such objection is the entire or partial owner of the property and objects to the designation. Unless persons holding fifty per cent or more of the ownership interest in a proposed historic property object to the proposed designation within thirty days following the public hearing held pursuant to subsection (d) of this section, the legislative body of the municipality shall, by majority vote, take one of the following steps: (1) Accept the report of the committee as to the proposed historic property and enact an ordinance to designate the historic property and provide for its regulation in accordance with the provisions of this part; (2) reject the report of the committee, stating its reasons for such rejection; or (3) return the report to the historic properties study committee, with such amendments and revisions as it may deem advisable, for consideration by the committee. The committee shall, within sixty-five days of such return, submit an amended report to the legislative body and mail by certified mail a copy of the amended report to the owner or owners of record of each proposed historic property covered by the report. The committee need not hold a public hearing other than the one provided for in subsection (d) of this section. Unless persons holding fifty per cent or more of the ownership interest in a proposed historic property object to the proposed designation within thirty days of receipt of the amended report by written submission in the manner set forth in this subsection, the legislative body of the municipality may accept or reject the amended report as provided in this subsection.

(h) Any ordinance, or amendment thereof, enacted pursuant to this part, which designates or alters historic property boundaries, shall contain a legal description

of the area to be included within each historic property. 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.

(P.A. 84-286, 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: 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.

Sec. 7-147r. Historic properties commission.

(a) The first ordinance enacted by a municipality to designate any historic properties shall provide for the creation of an historic properties commission and for the termination of the historic properties study committee or committees. The historic properties commission shall administer the provisions of this part relative to all historic properties then or thereafter designated by the municipality and, relative to such historic properties, the commission shall have all of the powers and duties that historic district commissions have over historic districts pursuant to part I of this chapter except as is otherwise provided in this part. A municipality may designate an historic properties commission to administer historic districts in accordance with part I of this chapter in the event that no historic district commission exists when the historic properties commission is created. A municipality may designate an existing historic district commission to administer historic properties in accordance with this part.

(b) The historic properties commission may from time to time, in accordance with section 7-147q, initiate the designation of additional historic properties or the enlargement of the boundaries of an existing historic property.

(P.A. 84-286, S. 3.)

Sec. 7-147s. Certificate of appropriateness.

(a) No building or structure located within the boundaries of an historic property shall be erected or altered until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the historic properties commission and approved by such commission. No earthworks or site of recognized historic or archaeological importance within the boundaries of an historic property shall be altered until after an application for a certificate of appropriateness has been submitted to the historic properties 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 the boundaries of an historic property and no demolition permit for demolition or removal of a building or structure within the boundaries of an historic property 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 properties 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 the boundaries of an historic property 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 the boundaries of an historic property 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.

(P.A. 84-286, S. 4.)

Sec. 7-147t. Procedure for application for certificate.

In reviewing and acting upon applications for certificates of appropriateness, the historic properties commission shall follow the procedures set forth in section 7-147e for use by historic district commissions in reviewing applications for certificates of appropriateness affecting historic districts.

(P.A. 84-286, S. 5.)

Sec. 7-147u. Considerations in determining appropriateness.

Except as otherwise provided in this part, in reviewing and acting upon applications for certificates of appropriateness, the historic properties commission shall apply the same standards and take into account the same considerations as set forth in section 7-147f for use by historic district commissions in reviewing applications for certificates of appropriateness affecting historic districts. In passing upon the appropriateness of alterations to earthworks or sites of historic or archaeological importance, the commission shall consider, in addition to any other pertinent factors, their value and significance, size, design, arrangement, texture and materials. In its deliberations, the historic properties commission shall act only for the purpose of controlling the erection or alteration of buildings, structures, objects, sites or parking that are incongruous with the historic or architectural aspects of the historic property.

(P.A. 84-286, S. 6.)

Sec. 7-147v. Variations, permissible when.

Where, by reason of topographical conditions or location or because of other unusual circumstances, the strict application of any provision of this part would result in exceptional practical difficulty or undue hardship upon the owner of the historic property, the commission in passing upon applications shall have power to vary or modify strict adherence to the provisions of this part, provided such variance or modification shall remain in harmony with the general purpose and intent of this part so that the historic and architectural aspects of the historic property shall be conserved. In granting variances or modifications, the commission may impose such reasonable stipulations and conditions as will, in its judgment, better fulfill the purposes of this part. The commission shall, for each variance or modification granted, place upon its records and in the notice to the applicant the reasons for its determinations.

(P.A. 84-286, S. 7.)

Sec. 7-147w. Action by commission to prevent illegal acts.

If any provision of this part, or any action taken or ruling made by the historic properties commission pursuant to the provisions of this part or any regulation or ordinance adopted pursuant to this part, has been violated, the historic properties commission shall have, in addition to other remedies, those remedies available to historic district commissions as provided in section 7-147h.

(P.A. 84-286, S. 8.)

Sec. 7-147x. Appeals.

Any person or persons severally or jointly aggrieved by any decision of the historic properties commission or of any officer thereof may appeal such decision in the same manner and according to the same procedure as set forth in section 7-147i for appeals from the decisions of the historic district commissions.

(P.A. 84-286, S. 9.)

Sec. 7-147y. 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 within the boundaries of an historic property 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 designation of such historic property.

(b) If a building within the boundaries of an historic property is to be demolished, no demolition shall occur for ninety days from issuance of a demolition permit if during such time the historic properties 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 is under any obligation to sell such property or building.

(P.A. 84-286, 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: 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.

B. Public Records and the Freedom of Information Act

Because HDCs and HPCs fall under the definition of a public body established by law (“any department, institution, bureau, board, commission or official of the state or of any city, town, borough . . . or other political subdivision of the state”), they are bound by both state public records requirements and by the Freedom of Information Act.

Sections 1-7 through 1-21 of the Connecticut General Statutes (CGS) lay out in detail the record-keeping requirements of all public agencies in the State of Connecticut. They provide specific provisions for the format in which records such as minutes, agendas, decisions, etc., are to be kept and require that they be made available to the public. Specific questions regarding the keeping of public records should be addressed to the municipal clerk.

Sections 1-200 through 1-259 of the Connecticut General Statutes (also known as the **Freedom of Information Act**), were passed to protect the public right to due process and to establish rules for conducting public meetings, including notification and participation. They describe in detail the requirements for public meetings, public hearings, legal notices, public notification, and public record keeping by which public agencies such as HDCs and HPCs must abide.

Violating the strictly outlined requirements for public record-keeping, public meeting notice, and accessibility can cause decisions by HDCs or HPCs to be overturned. It is important to note that the rules are not designed to impede the operation of public agencies. The regulations protect the public right to due process and provide public agencies with concrete, legally defined procedures for doing so. By conscientiously adhering to the rules, will not only operate legally, but will develop a reputation for openness and transparency.

The full text of the **Connecticut General Statutes** is available online at www.cga.ct.gov.

The requirements for **public record-keeping** are outlined in Chapter 3: CGS Sections 1-7 to 1-21L.

The requirements of the **Freedom of Information Act** are outlined in Chapter 14: CGS Sections 1-200 to 1-259.

For specific guidance in implementing and adhering to the state requirements, please consult with the municipal attorney, corporation counsel, or the municipal clerk.

IV. RELEVANT LOCAL LEGISLATION

Municipal documents further define the authority and jurisdiction of the HDC or HPC.

- The **Study Committee Report** details the historical and architectural character of the LHD or LHP, defines the geographical boundaries, and justifies its creation.
- The **local ordinance** formally designates the LHD or LHP and establishes the appropriate commission to administer the area.
- The **rules of procedure** govern the internal operations of the HDC or HPC.

While the choice and process to create an HDC or HPC is executed at the local level, the ability to do so is granted by state law. As such, each of the municipal documents must be compatible with the state statutes.

In order to be legitimate, the Study Committee Report must comply with criteria established by the Connecticut Commission on Culture & Tourism (CCT). The local ordinance must comply with the state enabling statute. The rules of procedure adopted by the commission must be in compliance with *both* the state enabling statute and the Freedom of Information Act.

The state enabling statute and the Freedom of Information Act have been amended many times over the years. It is vitally important that the local ordinance and rules of procedure reflect these changes so that the HDC or HPC can continue to be in compliance with—and thus have the full weight and support of—state law.

A. Report of the Study Committee

The Study Committee Report, while not a legal document per se, is nonetheless a crucial document in defining the jurisdiction of the HDC or HPC. Not only does the Study Committee Report delineate the boundaries of the LHD or LHP over which the commission will have oversight, it also describes in detail the historical and architectural significance of each of the buildings, supplying commissioners with valuable insight into the specific historic and architectural features it is their responsibility to preserve. By highlighting important historical and architectural details of each building within the LHD or LHP, the report provides guidance to commissioners as they review specific applications and adopt design guidelines.

A copy of a local Study Committee Report may be obtained directly from CCT.

B. Local Ordinance

The LHD or LHP ordinance empowers the HDC or HPC. It instructs them in their functions, duties, and powers. Connecticut's LHD and LHP enabling act, CGS, Sections 7-147a to 7-147y inclusive, is very detailed and specific. It should be used as a guide for preparing the local ordinance. Amendments to the local ordinance may be initiated by a request of the HDC or HPC to the legislative body of the municipality and shall take effect when adopted by the legislative body.

CCT will review and comment upon proposed ordinances as part of its normal review process. By its nature, the ordinance is the *local* enactment of

the state enabling statute. Questions concerning specific interpretation should be referred to the town attorney or corporation counsel, who should review any new or amended ordinance before it is adopted by the town or city.

The municipal ordinance should contain a clause stating that the HDC or HPC is empowered to exercise all the powers, duties, and functions enumerated in CGS, Sections 7-147a to 7-147k inclusive (historic districts), or Sections 7-147p to 7-147y inclusive (historic properties), as amended. This provision will reduce the risk of a legal challenge to a decision by an HDC or HPC on a matter covered in the state statute, but not specifically spelled out in the local ordinance.

Sample ordinances for LHDs and LHPs may be obtained directly from CCT.

C. Rules of Procedure

Connecticut's LHD and LHP enabling statute requires HDCs or HPCs to adopt rules of procedure consistent with the provisions of the statute. Rules of procedure govern the internal affairs of an HDC or HPC and set forth the application and review mechanisms for a certificate of appropriateness.

Adopting the rules of procedure is the first task of the new HDC or HPC, since it cannot function legally without them. Failure to adopt and follow the rules of procedure may jeopardize decisions by an HDC or HPC, since any appeal would be based almost entirely on its written records.

Developing and adopting the rules of procedure should be the first order of business for any newly established HDC or HPC. Once members have gained some experience, the rules of procedure can be amended by an action of the HDC or HPC. Rules of procedure should always be reviewed by the legal counsel of a municipality prior to being adopted by the HDC or HPC.

Certain elements of rules – such as membership, jurisdiction, and the application process – must reference and be consistent with the state statute and the local ordinance that established the HDC or HPC. However, rules should be far more specific in defining the internal procedures of an HDC or HPC, with special attention to:

1. Place and time of regular meetings
2. Procedure for calling a special meeting, consistent with the Freedom of Information Act
3. Election of officers
4. Duties of the chair, clerk, and any standing committee
5. Role of alternates
6. Number of commissioners constituting a quorum (CGS, Section 7-147e[b]: a quorum is a majority of the members of the HDC or HPC, three out of five)

7. Areas of jurisdiction, as set forth in the enabling statute
8. Method of obtaining an application for a certificate of appropriateness
9. Pre-application consultation, if allowed (Pre-application consultation is an informal discussion with a property owner or resident held by an HDC or HPC at a public meeting to discuss general plans and identify potential areas of concern in advance of a formal application. Opinions expressed by the commissioners in the pre-application consultation are not binding on the eventual application.)
10. Requirements for a public hearing, including notice, conduct, the order of the hearing, minutes, procedures for recording the meeting, and policies on media access consistent with provisions of the state Freedom of Information Act (The rules for conduct at a public meeting may reference *Robert's Rules of Order*. This should be consistent with other town bodies.)
11. Policies concerning the application process over and above those imposed by the enabling statute (For instance, the rules of an HDC or HPC may require that one or more of the commissioners personally visit the property that is the subject of an application. Some HDCs or HPCs require notice of a public hearing to be posted on the property itself in addition to placing legal notices in the local newspaper.)
12. Policies concerning certificates of appropriateness (HDCs or HPCs may set a time limit or expiration date on certificates, requiring that work be completed within a fixed period or else a new application must be submitted. They may also allow the transfer of a certificate of appropriateness from the applicant to a new property owner, subject to the rules of procedure of the HDC or HPC.)
13. Procedures for enforcement and appeal, as set forth in the enabling statute (An enforcement officer should be designated.)
14. Conflict of interest policies, defining the procedures for recusal of a seated commissioner and replacement with an alternate member, consistent with the town's conflict of interest policies
15. Coordination with other town agencies, particularly the procedures for simultaneous or consecutive review of projects with the building official or the planning and zoning authorities
16. Adoption of the U.S. Secretary of the Interior's Standards for Restoration or Rehabilitation as the basis for review by the HDC or HPC

Rules are adopted not merely to satisfy a legal requirement or to establish orderly internal processes for an HDC or HPC, but also to inform the public of the body's procedures, particularly with regard to the process of applying for a certificate of appropriateness.

The rules of procedure must be easily available to property owners and the public, both in print and electronically on the town web site. Some HDCs or HPCs distribute copies of rules to property owners within the LHD or LHP every few years. New residents should receive a copy as soon as they move in. A courtesy visit by a member of the HDC or HPC or an invitation to attend a public meeting of the body can contribute greatly to a property owner's understanding of the responsibilities of living in an LHD or LHP, and help ensure a cooperative attitude.

Coordination with other government officials can aid an HDC or HPC in educating the public, since a property owner's initial contact concerning that body's jurisdiction and procedures will likely be through the building inspector. Copies of rules should be available at HDC or HPC meetings and in the offices of the building inspector, town clerk, or other municipal official where the application for a certificate of appropriateness may be obtained. If design criteria are published, the rules of procedure should be included as well.

V. COURT DECISIONS

A. Overview of Cases and Their Importance

Historic preservation laws, as well as HDC and HPC decisions, are subject to judicial appeal and review by the courts. The decisions resulting from review become law in that specific case until vacated or reversed by a higher court.

Bear in mind that decisions in court cases do not change the language or requirements of the state enabling statute. While court decisions may provide guidance for future considerations, only the state legislature can alter or amend the enabling statute.

To ensure the appropriate use of regulatory authority, members of HDCs or HPCs should be familiar with the most important court cases dealing with LHDs and LHPs and have a general knowledge of cases affecting design review and private property. HDC or HPC members are not expected to be legal experts. The municipal attorney or corporation counsel should be called in for consultation whenever necessary.

Below is a list of the most important court cases relating to the administration of LHDs and LHPs in Connecticut, as well as certain cases of national significance that have a bearing on these bodies' activities. Accompanying each case is a brief summary of the case, as well a consideration of its impact on the jurisdiction and administration of HDCs and HPCs in Connecticut.

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

Background: Owners of a property within the Local Historic District applied for a certificate of appropriateness to demolish the house, citing the prohibitive cost of repairs. The application was denied by the Historic District Commission. The owners filed for appeal.

Summary: The court found that the Historic District Commission acted appropriately in considering the application and rendered a valid judgment. The court did not support the plaintiffs' claim of illegal taking of the property, because the Commission had exercised its lawful, reasonable, and honest judgment in applying an ordinance that the court found was not unconstitutionally vague.

Importance: Figarsky v. Norwich confirmed that historic district regulations that are fairly and consistently applied do not amount to a "taking" of the property.

*** Penn Central Transportation Co. v. New York City, 438 U.S. 104 (1978)**

Background: Penn Central Transportation Company proposed to build an office tower on top of Grand Central Station in New York. The New York City Landmarks Commission denied the application in order to preserve the historical and architectural integrity of the Beaux Arts-style station.

Summary: The Supreme Court upheld the decision of the New York City Landmarks Commission and

- 1) Recognized historic preservation as a legitimate governmental objective that may result in appropriate restrictions on historic properties

- 2) Confirmed the appropriateness of historic preservation regulations that restrict changes to designated landmark properties and districts but still provide reasonable beneficial use to property owners
- 3) Established a balancing test and stated that takings challenges to historic preservation ordinances must be decided on the basis of three factors: the character of the government action, the economic impact of the regulation on the claimant, and the extent to which the regulation has interfered with distinct investment-backed expectations.
- 4) Noted that property owners are not automatically entitled to the highest and best use of the property, particularly if there are compelling community benefits to preservation

Importance: Penn Central v. New York City is the legal foundation of many historic preservation regulations throughout the country. In its decision, the Supreme Court clearly established the legitimacy of historic designations and related restrictions on the development and use of significant properties, within parameters described by the Court.

*** Farmington Savings Bank v. Zoning Board of Appeals of Town of Farmington, 458 A.2d 1151 (Conn. 1983).**

Background: A local bank located in the Local Historic District applied to the building official for a demolition permit without applying first to the Historic District Commission. The building official refused to issue the permit and the property owner appealed stating that during the creation of the Local Historic District, the town had unlawfully excluded corporate owners of real property to vote on the creation of the district and that therefore the property owner did not have to comply with historic district rules.

Summary: The court found that the plaintiff's property is properly deemed part of the Farmington Historic District and subject to Ordinance No. 47, § 5, which requires a certificate of appropriateness from the Historic District Commission prior to the issuance of a demolition permit, because the State Legislature in § 7-147k(a) explicitly cured any defects in the creation of the Local Historic District. The court affirmed the trial court's dismissal of the plaintiff's administrative appeal.

Importance: Farmington Savings Bank v. Farmington confirmed the effect of the cure provision contained in § 7-147(k) and illustrated that municipal building officials may not issue a demolition permit for property within the Local Historic District unless the property owner has first obtained a certificate of appropriateness from the Historic District Commission, except under the specific conditions as listed in the enabling statute.

*** Gentry v. City of Norwalk, 494 A.2d 1206 (Conn. 1985).**

Background: Property owners in the proposed Local Historic District disputed the weight that was given to ballots regarding the creation of a Local Historic District which were submitted by owners of individual condominiums with the district.

Summary: The court determined that the owners of individual condominiums were each entitled to a fractional vote since the condominiums were located on a single parcel.

Importance: Gentry v. Norwalk established the legitimacy of fractional votes for multiple ownership of a single parcel in a proposed local historic district.

*** First Church of Christ v. Ridgefield Historic District, 738 A.2d 224 (Conn. Super. 1998), aff'd 737 A.2d 989 (Conn. App. 1999), cert. denied 737 A.2d 989 (Conn. 1999).**

Background: First Church of Christ applied for a certificate of appropriateness to apply vinyl siding to the historic church within the Local Historic District. The Historic District Commission denied the application based on a change in exterior appearance and material that was incongruous within the Local Historic District. The church sought judicial review of this denial on several bases, including claims that the church suffered an undue hardship, that the Commission had predetermined the church application, and that the regulations unreasonably restricted free exercise.

Summary: The appeals court affirmed the trial court decision, which had rejected all of the claims. In particular, it rejected the First Amendment claim because there was no interference with the right to express “religious views or associate or assemble for that purpose,” and the First Amendment “cannot be extended... to avoid otherwise reasonable and neutral legal obligations imposed by government.”

Importance: First Church v. Ridgefield confirmed, among other things, that religious buildings within a Local Historic District are subject to the same regulatory review requirements as other properties.

*** Van Deusen v. Town of Watertown, No. CV970138135S, 1999 WL 557970 (Conn. Super. July 22, 1999)**

Background: Town residents circulated a petition calling for repeal of the Local Historic District ordinance by town-wide referendum.

Summary: The court determined that the Local Historic District could not be repealed by town-wide referendum since only the property owners within the district had voted on whether to establish it. The state’s historic district statute preempts the applicability of the referendum provision of the town charter.

Importance: Van Deusen v. Watertown confirmed that Local Historic District regulations cannot be modified or repealed by referendum. The final authority for establishing or repealing a Local Historic District is with the legislative body of the municipality.

*** Fraioli-Cavallo v. Historic District Commission for the Town of Sharon, 2005 WL 2364934, No. CV054002694. (Conn. Super. Dist.—Litchfield Sept. 7, 2005)**

Background: Property owners within the Local Historic District filed suit against the Historic District Commission using procedures other than those outlined in the enabling legislation.

Summary: Since the plaintiffs did not adhere to the statutory procedure, the suit was dismissed due to a lack of subject matter jurisdiction.

Importance: Fraioli-Cavallo v. Sharon confirmed that appeals of Historic District Commission decisions can only be filed under the procedures outlined in the Connecticut enabling statute.

*** Peeling v. Historic District Commission of the Town of New Canaan, 2006 WL 3359619, No. FSTCV064009772S (Conn. Super. Dist.—Stamford-Norwalk Nov. 1, 2006)**

Background: Homeowners were granted a certificate of appropriateness to make changes to their property within the New Canaan Historic District. Neighbors who own property within the same district filed suit as aggrieved parties to appeal the granting of the certificate.

Summary: Court found that the plaintiffs are not statutorily aggrieved, since the property owned by the plaintiffs is not adjacent to or within 100 feet of the subject property. The defendants' motion to dismiss was granted.

Importance: Peeling v. New Canaan confirmed that the decisions of the Historic District Commission can only be appealed by property owners who are directly impacted by the decision, not by property owners in the Local Historic District generally.

*** Morena v. Historic District Commission of the Town of Brookfield, 934 A.2d 335 (Conn. Super. Dist.—Danbury 2007).**

Background: Property owners appealed a decision of the town Historic District Commission denying their application for construction of a stone wall on their property.

Summary: The Superior Court, Judicial District of Danbury, Shaban, J., held that:

- 1) Two members of the Historic District Commission were not required to disqualify themselves from hearing, and
- 2) The Historic District Commission had jurisdiction to hear application for construction of a stone wall

Appeal dismissed.

Importance: Morena v. Brookfield confirmed that stone walls are considered “structures” under the Connecticut enabling statute for Local Historic Districts and are therefore subject to review. The case also clarified the conditions under which recusal of Historic District Commission members may be required.

*** Historic District Commission of the Town of Fairfield v. Hall, 923 A.2d 726 (Conn. 2007).**

Background: The town’s Historic District Commission sought a declaratory judgment and injunctive relief as to whether a large sculpture placed on the front lawn of a landowner’s property in the Local Historic District of the town was subject to the Historic District Commission’s approval. The Superior Court, Judicial District of Fairfield, Adams, J., granted the Historic District Commission’s motion for summary judgment, and the landowners appealed.

Summary: The Supreme Court, Zarella, J., held that:

- 1) The term “structure,” as used in the statute governing Local Historic Districts, included extremely heavy objects that were “affixed” to the land by gravity and not easily moved because of their substantial weight, and
- 2) The large sculpture on the landowner’s front lawn constituted a “structure” and, thus, was subject to the Historic District Commission’s jurisdiction because it was “affixed to the land” by gravity

Importance: Fairfield v. Hall clarified the definition of a “structure” under the Connecticut enabling statute for Local Historic Districts and confirmed that a structure need not have a permanent foundation to be subject to review

*** The Felician Sisters of Saint Francis of Connecticut, Inc. et alia v. Enfield Historic District Commission, SC 17931, Judicial District of Hartford (Conn. 2006).**

Background: At issue was (1) whether the Historic District Commission has jurisdiction over school parking areas within the district boundaries, and (2) whether the Historic District Commission’s denial of the plaintiff’s application for a certificate of appropriateness was based on considerations outside the scope of its jurisdiction.

Summary: The court ruled that the Historic District Commission has broad authority over parking connected to any kind of occupation and enterprise, including a school. In addition, the court confirmed that the Historic District Commission acted within its authority by considering the impact of the proposed parking area on the specific property and on the Local Historic District generally.

Importance: Felician Sisters v. Enfield (2006) confirmed that the proposed parking area was subject to review by the Historic District Commission, and that the Historic District Commission may consider the impact of the parking area on the Local Historic District as a whole.

*** Felician Sisters of St. Francis of Connecticut, Inc. v. Historic District Commission of the Town of Enfield, 937 A.2d 39 (Conn. 2008)**

Background: A private school sought judicial review of a decision of the town's Historic District Commission, denying their application for approval of plan to replace gravel parking area with blacktop driveway and parking lot. The Commission appeared to have relied primarily on emotional testimony from neighbors in making its decision, and did not state on the record that it had considered the visual or traffic impacts of the proposed parking scheme. The Superior Court, Judicial District of Hartford, Stengel, J., 41 Conn. L. Rptr. 256, 2006 WL 1230527, dismissed appeal. School appealed, and appeal was transferred.

Summary: The Supreme Court, Norcott, J., held that:

- 1) The statute requiring a certificate of appropriateness for occupational parking within Local Historic Districts encompassed parking for the private elementary school, but
- 2) The Historic District Commission's denial of the school's application was an abuse of discretion because it did not consider factors other than "neighborly animosity."

The judgment was reversed, and the case was remanded to the trial court with a direction to sustain the plaintiffs' administrative appeal.

Importance: Felician Sisters v. Enfield (2008) confirmed that Historic District Commissions have legitimate regulatory authority, but that (1) the authority must be exercised fairly and consistently in the review of all applications, and (2) the deliberations and determinations of the Historic District Commission must be a matter of record.

*** Barry v. Historic District Commission of the Borough of Litchfield, 950 A.2d 1 (Conn. 2008)**

Background: The homeowner filed an application for a certificate of appropriateness for proposed changes to the exterior of a house in the Local Historic District. The borough Historic District Commission denied the application; the homeowner appealed. The Superior Court, Judicial District of Litchfield, Pickard, J., sustained the homeowner's appeal. The Historic District Commission filed a petition for certification to appeal, and homeowner filed a cross-petition.

Summary: After granting both petitions, the Appellate Court, McLachlan, J., held that:

- 1) The trial court order, sustaining the homeowner's appeal and implicitly remanding the case to the Historic District Commission for a new hearing, was a final judgment for purposes of appeal
- 2) The homeowner was not automatically entitled to approval of her application when the Historic District Commission failed to provide

written notice of its denial within sixty-five days, as the homeowner had actual notice of the denial within such period

- 3) The Historic District Commission violated the homeowner's right to fundamental fairness when the chairman allowed a Historic District Commission member to testify extensively as an expert against the homeowner's application

Importance: Barry v. Litchfield confirmed that Historic District Commissions must take final action on an application and notify the property owner of the decision within the time frame stipulated by the statute or ordinance. In addition, the court highlighted the need for recusal of Historic District Commission members when there is a potential conflict of interest in the review.

*** Gibbons v. Historic District Commission of the Town of Fairfield, 941 A.2d 917 (Conn. 2008)**

Background: The property owner appealed the Historic District Commission's denial of her application for a certificate of appropriateness for proposed changes to her property. The Superior Court, Judicial District of Fairfield, Radcliffe, J., 2006 WL 1828362, sustained the appeal. The Historic District Commission appealed, and the appeal was transferred.

Summary: The Supreme Court, Zarella, J., held that:

- 1) The Historic District Commission's stated reason for its denial of the application for a certificate of appropriateness was within the authority granted to it in the Local Historic District enabling statutes
- 2) In deciding appeals from Historic District Commissions, reviewing courts are limited to determining whether the reason stated by the Historic District Commission is supported by substantial evidence in the record
- 3) If the Historic District Commission's stated reason was rejected as inadequate, the Court could not search the record for any substantially supported reason to justify the Historic District Commission's action; overruling Stankiewicz v. Zoning Board of Appeals, 211 Conn. 76, 556 A.2d 1024 and Stankiewicz v. Zoning Board of Appeals, 15 Conn.App. 729, 546 A.2d 919
- 4) The record lacked substantial evidence to support the Historic District Commission's stated reason for its denial of application for certificate of appropriateness, and thus the denial of application was arbitrary and unreasonable

Judgment of Superior Court affirmed.

Importance: Gibbons v. Fairfield highlighted the need for Historic District Commissions to maintain complete and accurate records of their deliberations and determinations for every application. The decision also confirmed that Historic District Commissions must clearly state the criteria for evaluating applications.

*** Voll v. Monroe Historic District Commission, 2008 WL 1868417, No. CV054013211 (Conn. Super. Dist.—Fairfield Apr. 10, 2008)**

Background: Homeowners applied to the commission for a certificate of appropriateness to construct a shed, two fences, a wall, and a gate at their personal residence in the Local Historic District. During the hearing the appellants, who were represented by legal counsel, presented testimony, photographs, and letters supporting their application. No mechanical recording device was utilized by the Historic District Commission to record the proceedings that evening. Following the conclusion of the hearing, the Historic District Commission conducted a discussion and then denied the appellants' application for a certificate of appropriateness for the wall and the gate, but granted a certificate for the two fences and the shed. The appellants' claim that the decision of the Historic District Commission was illegal and arbitrary, as the Historic District Commission conducted its meeting in violation of its own regulations and in violation of state statutes. Therefore, the appellants claimed the Historic District Commission's decision and the results of said meeting were not proper and legal and were voidable.

Summary: The minutes of the two meetings held by the Historic District Commission were insufficient as to their content for the court to make a reasoned decision. The minutes do not reflect the identity of who prepared them and the date they were prepared. There was no documentation to support whether the minutes of the meeting were ever approved as written. Neither set of minutes reflected when they were transcribed or typed, which is especially important where no transcript or recording of the meeting exists. Additionally, the Historic District Commission did not state its reasons for denying the certificate of appropriateness in its records and in the notice to the applicants/appellants for denying the certificate of appropriateness regarding the stone wall and gate which is a violation of Connecticut General Statutes, Section 7-147e(b).

Importance: Voll v. Monroe highlighted the need for adequate rules of procedure for the Historic District Commission. Specifically, the Historic District Commission must (1) prepare and approve written minutes detailing the deliberations and actions of each meeting, and (2) cite specific reasons for denying an application based on the commission's stated review criteria.

VI. RULES OF PROCEDURE

In order to operate effectively, HDCs and HPCs need to consider all applications fairly and consistently. It is critical to provide members with the training and information that will enable them to make defensible decisions that serve the interests of the community.

Making defensible decisions is rooted first in a faithful adherence to, and application of, the laws. If a property owner can demonstrate that an HDC or HPC failed to comply with public meeting laws (failing to post legal notice in the appropriate amount of time before a hearing, for example) or even with its own internal rules of procedure, the decisions rendered can be challenged and reviewed by the Superior Court.

Defensible decisions also require sound and reasoned judgment on applications with respect for the law and knowledge of the issues. In order to avoid a legal challenge, an HDC or HPC must be able to present the reasons for its determination and show how its determination is consistent with prior decisions and with the body's purpose as a whole.

This section outlines the basic requirements for administration of an HDC or HPC and the process of reviewing applications for certificates of appropriateness. Specific questions regarding the interpretation of the enabling statute or the Freedom of Information Act should be directed to the municipal attorney.

A. Commission Membership

The HDC or HPC is composed of five regular members and three alternate members, all of whom must be residents or property owners who are qualified to vote in the municipality. At least one of the members must be a resident of HDC or HPC if such a representative can be found. All regular members and alternates serve as volunteers in an unpaid capacity.

1. Appointment

The method for the appointment of members is determined by local ordinance. Members are appointed usually by the chief elected official of the municipality.

2. Term Length

The term length for an HDC or HPC member is five years. While a member may be appointed to more than one term, the individual should be prepared to step down at the end of five years. One member's term should expire each year so as to promote both turnover and continuity.

3. Alternates

When seated, alternate members have all the powers and duties of a regular member. If a regular member is absent or cannot serve due to a conflict of interest, the chairman should appoint one of the alternates in rotation to serve instead.

4. Officers

At the start of every year the HDC or HPC should elect a chairman, vice-chairman, and clerk, whose responsibilities will be defined in the local

ordinance and the rules of procedure. The chairman will preside at all meetings, with the vice-chairman serving in the chairman's absence. The clerk will be responsible for keeping the minutes and submitting them to the municipal clerk. In some cases, a municipal employee may be enlisted to take the minutes. In that case, the HDC or HPC clerk verifies that the minutes have been accurately recorded and submitted to the municipal clerk.

5. Qualifications

Beyond a knowledge of the enabling statute, there are no explicit requirements for being a member of the HDC or HPC. Whenever possible, members should have some expertise in one or more of the following areas: architecture, architectural history, construction, design, historic preservation, law, local history, planning and zoning, or real estate. Regardless of their background, all members should be prepared to learn the duties and responsibilities of their position, to attend regular meetings, and to make legally binding decisions in accordance with state and local law.

6. Conflict of Interest

All municipalities are required by law to adopt a conflict of interest policy. The members of the HDC or HPC should receive copies of the conflict of interest policy specific to the municipality and be familiar with its requirements.

B. Annual Reports to CCT

The HDC or HPC is required to file a report at least once a year with CCT. The report should include at a minimum the following information:

- A summary of the HDC's or HPC's activities during the past year
- The number of applications for certificates of appropriateness reviewed and the number approved or denied
- Names and contact information for all members, including officers and alternates, with the ending date of their terms
- Other pertinent information, such as any recent changes in the character of the LHD or LHP, any particular issues or concerns, or any changes in local rules of procedure

While the annual report is designed to facilitate communication between the HDC or HPC and CCT, the same information can also be presented as an update for property owners and other town boards and agencies.

C. Meetings

Any gathering of a quorum of HDC or HPC members in which they discuss a matter before the commission or any other commission business is considered a meeting, and is subject to public meeting and public record laws.

If an e-mail exchange or telephone call takes place in which three or more members participate and commission business is discussed, that is considered a quorum and a meeting, and is therefore subject to public meeting laws.

Meetings should not be confused with public hearings at which the HDC or HPC solicits testimony on pending applications. Meetings are typically directed at the internal affairs and business of the HDC or HPC, including deliberation and voting on applications for a certificate of appropriateness.

HDCs or HPCs may hold public hearings before or in conjunction with the regular meetings. There are additional rules for public hearings that are detailed in the section dealing with certificates of appropriateness.

1. Public Hearings

Every application for a certificate of appropriateness requires a public hearing which must be noticed and posted according to the state enabling statute and the local ordinance. The hearing is intended to give members of the public, including the property owner, the opportunity to present and express their opinions regarding proposed changes to buildings in the district.

After the hearing, HDC or HPC members should be prepared to discuss the application as an agenda item at the regular meeting and deliver a vote on it.

2. Regular Meetings

The HDC or HPC must establish by ordinance the place for holding its regularly scheduled meetings. Such meetings may take place once a month or more frequently, depending on the nature and volume of business to be addressed.

a. Quorum

For a meeting to take place, a quorum of members must be present. A quorum is generally defined as a voting majority of the HDC or HPC, typically at least three members, whether regular members or seated alternates.

b. Schedule

A schedule for regular meetings must be filed with the municipal clerk in January of any given year. A meeting may not be held sooner than thirty days after the schedule has been filed.

c. Agenda

The agenda identifies the items that will be discussed at the HDC or HPC meeting and that may be of interest to the public. An agenda must be filed with the municipal clerk's office no less than twenty-four hours prior to the meeting. The agenda should also be made available to the public at the place and time of the meeting itself.

HDC or HPC members may vote to change the order of items on the agenda, but may not add or subtract any items once the agenda has been posted. Changes to the order of the agenda may be made during the meeting by a two-thirds majority vote. Such changes should be recorded in the minutes.

Any opportunity for public comment must be posted on the agenda in advance of the meeting. HDCs or HPCs may choose to include a “speak-out” or public comment period on the agenda of every regular meeting. Any correspondence sent or received should be included on the agenda of every meeting so that all members remain informed of news and opportunities.

d. Public and Media Access

Access to the meeting must be granted to members of the public and of the media. Any meeting may be recorded, photographed, or broadcast. Requiring members of the public to sign a register or identify themselves prior to being admitted is prohibited.

e Decisions

The record of any votes by the HDC or HPC must be made available to the public within forty-eight hours of the meeting at which the action was taken. The votes and decisions made by the members during the meeting must also be recorded in the minutes.

f. Minutes

Minutes should be compiled by the HDC’s or HPC’s clerk and submitted to the municipal clerk within seven days of the session to which they refer (CGS, Section 1-225(a) (the Freedom of Information Act)). The minutes must include the deliberations and decisions of the HDC or HPC.

3. Special Meetings

Any meeting not listed on the schedule filed with the municipal clerk in January is considered a special meeting. Notice for such meetings listing the time and place and business to be transacted must be posted in the office of the municipal clerk at least twenty-four hours prior to the meeting. Every member of the HDC or HPC must be duly notified of the meeting. No divergence from the posted agenda is allowed.

4. Emergency Meetings

An emergency special meeting may dispense with the notification requirements listed above, but minutes detailing the precise nature of the emergency and the business transacted must be filed with the town clerk within seventy-two hours of the meeting.

5. Executive Session

An executive session is the only type of public meeting from which the public may be excluded. Executive session is not a meeting per se and can be a part of a regular or special meeting after an affirmative vote of two-thirds of the members present and voting, stating the reasons for the session.

An HDC or HPC may only enter executive session for a very limited number of reasons – discussion concerning employment, evaluation, or dismissal of an employee or public officer; strategy regarding

D. Certificates of Appropriateness

pending (not merely threatened) claims and litigation; or discussion of a matter which would result in disclosure of public records concerning pending claims or litigation.

Attendance at an executive session is limited to seated members (including any alternates who have been seated in the absence of a regular member). Other persons may be invited to present testimony or opinion concerning the matter at hand, but their attendance is limited to the time their presence is necessary. The minutes must disclose every person in attendance except job applicants.

6. Interruption

If a meeting is interrupted and becomes disorderly, the HDC or HPC may order the room cleared and continue in session, but only matters on the agenda may be discussed. Representatives of the media must be allowed to remain unless they have participated in the disturbance.

The main responsibility and authority of HDCs and HPCs is to determine the appropriateness of proposed changes to the properties within their jurisdiction. Prior to making any alterations to the exterior of the property that would be visible from a public street, way, or place, property owners must submit an application to the HDC or HPC for a certificate of appropriateness. The State of Connecticut never needs a certificate of appropriateness, and municipalities do not need one for street improvements.

For a building or structure within the LHD or one designated as an LHP, no building permit for construction or alteration and no demolition permit can be issued by the municipality until a certificate of appropriateness has been issued.

1. What work requires a certificate of appropriateness?

A certificate of appropriateness is required for, but not limited to, any of the following exterior work that may be visible from a public street, place, or way:

- a.** Construction of any new building or structure, or the proposed relocation of an existing building or structure
- b.** Alteration of or any addition to the exterior architectural features of an existing building or structure
- c.** Any proposed demolition of any existing building or structure, in whole or in part
- d.** Any alteration or repair resulting in a change of materials on an existing building or structure
- e.** Replacement, addition, or modification of windows, doors, storm windows, storm doors, or shutters on an existing building or structure
- f.** Outdoor advertising signs and bill posters
- g.** Parking areas for industrial, commercial, business, home industry, or occupational use

- h. Fences, walls, curb cuts, driveways, walkways, exterior lighting fixtures, and other fixed structures

2. What work does not require a certificate?

- a. Any alteration not visible from a public street, way or place
- b. Routine maintenance that does not involve a change in materials, design, or texture
- c. Painting (with no change of material) and paint color
- d. Interior alterations

3. When and how does one apply for a certificate of appropriateness?

Before beginning any work, the property owner must apply for a certificate of appropriateness and receive the approval of the HDC or HPC. Applications for certificates of appropriateness should be readily available at the town offices. If the municipality has a web site, applications may be posted as forms that can be printed out or filled in electronically. The completed application should be mailed or delivered to the town offices.

As part of the application, the HDC or HPC may request plans, elevations, specifications, photographs, sample materials, and other information as may be reasonably deemed necessary to enable it to make a determination on the application. In the case of proposed demolition or removal, members may require a statement of the proposed condition and appearance of the property after such demolition or removal.

4. Pre-application Consultation

Because the submission of an application requires a public hearing and subsequent action by the HDC or HPC, property owners may wish to schedule a pre-application consultation with the HDC or HPC in the context of a regular meeting to outline the project and identify any potential concerns before the application is submitted. The rules for such consultations should be described in the HDC or HPC rules of procedure. Pre-application consultations are solely advisory; the HDC or HPC is not bound to any particular determination as a result of such meetings.

5. The Public Hearing

Every application for a certificate of appropriateness requires a public hearing. The hearing is intended to give members of the public, including the property owner, the opportunity to present information and opinions regarding proposed changes to buildings in the LHD or LHP. After the hearing, HDC or HPC members should be prepared to discuss the application as an agenda item at the regular meeting and deliver a vote on it.

a. Timing

Once an application for a certificate of appropriateness has been received, the HDC or HPC has sixty-five days from the date

of receipt to hold a public hearing and make a determination on the application. Failure to act in that time frame constitutes approval of the application.

Because of the importance of this deadline, the rules of procedure of the HDC or HPC should clearly state how and where an application is to be received, whether it is at the office of the municipal clerk, the building official, the HDC or HPC, or another municipal agency. Applications should be stamped with the date of receipt by a designated individual.

b. Notification

Notice for a public hearing must be published in a local newspaper at least once between fifteen and five days before the date of the hearing. Notification may also be sent directly to the property owners.

Some HDCs or HPCs require in the rules of procedure that a notice of the public hearing be posted at the subject property. Some also require notification of direct abutters to the property.

c. Agenda

A formal agenda for the public hearing should be available twenty-four hours before the hearing and should be posted at the hearing itself.

d. Order and Conduct

HDCs or HPCs may wish to adopt their own rules of order for a public hearing to ensure appropriate conduct. Such rules should be reviewed by the municipal attorney for compliance with all relevant statutes. An HDC or HPC may choose to conduct the public hearing according to *Robert's Rules of Order*.

The schedule of the public hearing should allot time for (a) a brief presentation of the proposal by the applicant and/or the applicant's consultants, (b) statements of support for and objections to the application by the public, (c) questions to be considered or addressed by the HDC or HPC members, and (d) additional comments or information from the applicant.

e. Recusal

If any HDC or HPC member has a real or potential conflict of interest on any application, as defined by the municipal conflict of interest policy, the individual must be recused from the public hearing and from the subsequent regular meeting at which the application is discussed. An alternate may be seated in place of the recused member.

Recusal is usually based on a prospect of fiduciary impact on the member either directly or indirectly as a result of the HDC's or HPC's deliberations or actions. Casual acquaintance with the applicant would not constitute grounds for recusal, but the prospect of employment or business partnership for the member or a close relative would. A member who owns or occupies property abutting that of the applicant may choose recusal if the body's action on the application is likely to affect

the member's own property value, either negatively or positively.

Once recused, the member may not participate in any discussion regarding the application either as a member or as a private party and may not vote on the particular application. The recused member may not return to the HDC or HPC until the hearing for the particular application is closed, and the application has been acted upon.

f. Determination

After the public hearing on a particular application is closed, seated members may consider the application on the agenda of a regular meeting to be discussed and voted upon. Members' deliberations should be based on the enabling statute, the local ordinance, and the body's own rules of procedure, including any specific design guidelines and any established precedents.

A majority vote by the seated members will determine whether the application for a certificate of appropriateness is (1) approved as submitted, (2) approved with stipulations, or (3) denied. The HDC's or HPC's approval may include stipulations, such as time limits for the construction, use of specific materials, and even design changes. When an application is denied, the HDC or HPC must state the reasons for its denial in its records and in its notification to the property owner. In denying an application, the body may provide specific recommendations as to how the application might be improved.

A written notification of the decision of the HDC or HPC should be sent to the applicant within forty-eight hours after the meeting. Any stipulations should be detailed in the written notification. If an application is denied, the reasons must be clearly articulated in the notification to the affected property owner.

g. Continuation of Review

If there is not enough time at a public hearing or at a regular meeting to address all the details of a particular application, the HDC or HPC may choose to continue the public hearing to a later date or continue the review by placing it on the agenda of the next regular meeting. If the public hearing is continued, a notice of continuation with the date, time and location of the continuation should be posted immediately after the first public hearing.

The HDC or HPC must take final action within sixty-five days of the date the application was filed. The enabling statute does not allow for any special arrangements or extensions, even with the concurrence of the applicant. Failure to make a determination on an application within the sixty-five-day period shall be construed as approval by the HDC or HPC.

h. Public Record and Notification

Any decision reached during the meeting, including the votes of each member, must be made available for public inspection within forty-eight hours of the meeting. A written notice of any decision reached should be delivered to the applicant within forty-eight hours. The minutes of the meeting should be submitted to the municipal clerk and available for public inspection within seven days.

6. Considerations in Evaluating Appropriateness

The state enabling statute directs that, “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.” A certificate of appropriateness must be issued for any application that is determined to be “not incongruous” with the character of the historic district or property.

Because of their legal nature, HDCs and HPCs should be prepared to work with their municipality’s designated legal counsel to ensure that their actions have the support of state and local law. In particularly thorny applications for certificates of appropriateness HDC or HPC members should consult with counsel before rendering a decision.

Some of the factors that commissioners may consider in making their determination include:

- Historical and architectural value and significance
- Architectural style
- Scale and proportion
- General design and arrangement of features
- Texture and material of architectural features
- The relationship of the building and its details to other buildings and structures in the immediate neighborhood
- Type and scale of exterior windows, doors, light fixtures, signs, above-ground utility structures, and mechanical appurtenances (CGS, Section 7-147f[a])

In all cases, the HDC or HPC may only review those changes to the exterior of the building or structure that are visible from a public street, place, or way. They need not treat the application as a simple yes-or-no proposition, but should work with applicants to accommodate their needs without undermining the integrity of the LHD or LHP.

a. Repairs

Normal property maintenance and repairs are not subject to review as long as there is not a change in configuration or material. In the case of roof or siding replacement, for example, a certificate of appropriateness is not required if the property owner is simply replacing the existing materials with similar ones. If an owner proposes to replace a slate roof with asphalt, or replace wood siding with vinyl, then HDC or HPC review is required because of the change in material.

b. Alterations

Any exterior alterations to existing buildings and structures that are visible from the public way are subject to review. “Altered” as defined by the enabling statute means “changed, modified, rebuilt, removed, demolished, razed, moved, or reconstructed.” The HDC or HPC has the authority to review and determine the appropriateness of any proposed alteration to the exterior of the building or structure within the LHD or LHP that is visible from a public way. Members should pay special attention to the impact of the change on the historic character of the building and to the integration of any new construction additions with the existing structure, both in terms of architectural style and materials.

c. Additions and New Construction

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

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

d. Demolition

Any proposed demolition of a building or structure in the LHD or LHP that is visible from the public way is subject to HDC or HPC review, regardless of whether a demolition permit is required. Within the LHD or LHP, a certificate of appropriateness is required before a demolition permit can be issued by the building official.

Under the enabling statute, the HDC or HPC has the authority to impose a demolition delay of up to ninety days once a demolition permit has been issued for any building or structure in the LHD or LHP. The demolition delay does not apply if the building official has certified that there are unsafe or dangerous conditions that threaten public safety.

The ninety-day demolition delay gives the HDC or HPC, CCT, and other advocates time to research and document the historic building, consult with the property owner on alternatives

to demolition, or find a potential purchaser to preserve the building or relocate it. The delay can be lifted at any time by written consent from both the HDC or HPC and CCT.

e. Demolition by Neglect

HDCs and HPCs do not have the authority to require any maintenance or repair of an existing building or structure. If a property is visibly deteriorating, members may contact the property owner to express their concern and offer guidance on appropriate solutions for stabilization and protection.

Allowing a building or structure to deteriorate to the point where it cannot reasonably be preserved or repaired is known as “demolition by neglect.”

HDCs and HPCs may ask the local building official to inspect the property for planning and zoning violations, and they may also consult with the building official regarding enforcement of the state building code and the local blight ordinance.

f. Renewable Energy Systems

Renewable energy systems such as solar panels and wind turbines are subject to review in an LHD or LHP. The HDC or HPC may need to consult with the property owner, the installation contractor, and outside consultants to fully understand the technical requirements of the proposed system.

The certificate of appropriateness may include stipulations relating to the design and location of the renewable energy system as long as the stipulations do not significantly impair the effectiveness of the system. Under the enabling statute, the HDC or HPC may not deny an application unless it determines that the renewable energy system cannot be installed without substantially impairing the historic character and appearance of the LHD or LHP.

g. Parking

Plans for new, enlarged, or altered parking areas within the LHD or LHP are subject to review, regardless of zoning. Parking for industrial, commercial, business, home industry, or occupational use requires a certificate of appropriateness.

In deliberating on parking areas within the LHD or LHP, the HDC or HPC may consider the size of the parking area, the visibility of cars parked in the proposed area, the proximity of the parking area to adjacent buildings, and other factors which have a bearing on the historic character of the specific LHP and/or the LHD as a whole.

h. Hardship variations

HDCs and HPCs have the authority to vary, modify, or interpret the review standards to accommodate unusual situations. Within a regulated LHD or LHP, hardship refers only to “topographical

conditions, district borderlines situations, or other unusual circumstances solely with respect to a certain parcel of land and not affecting” the LHD or LHP as a whole that would result in exceptional practical difficulty or undue hardship with respect to a particular project.

The enabling statute allows the HDC or HPC to relax the strict applications of its standards in regard to a particular situation, but does not provide an exemption from review. A certificate of appropriateness is still required for any exterior work visible from a public way.

Variations must be based on information provided by the property owner in the application for a certificate of appropriateness and must be related to the “unusual circumstances” of that particular property. If a variance is granted, the HDC or HPC must detail the specific reasons for the variation in its own records and in its notice to the property owner.

7. Appeals

Property owners, applicants and any other aggrieved persons may appeal a decision of the HDC or HPC through a judicial process. The appeal must be filed with the Superior Court for the judicial district in which the LHD or LHP is located within fifteen days of the date when the decision was rendered. The party appealing the decision must deliver a notarized copy of their appeal directly to the chairman or clerk of the HDC or HPC or to their usual place of abode.

In the 1970 appeal of *Carroll v. Roxbury Historic District Commission*, a Superior Court judge ruled that “the date the decision was rendered” means that the fifteen-day period begins when the applicant receives notice that an application was denied, not on the date that the HDC or HPC reaches its decision. Applicants should be notified of the HDC’s or HPC’s determination within forty-eight hours of that body’s meeting.

8. Enforcement

The decisions of the HDC or HPC are legally enforceable under the municipal authority and the state enabling statute. Any work on a building or structure that is undertaken without a required certificate of appropriateness is a violation of the municipal ordinance.

If a violation exists, either by failure to apply for a certificate of appropriateness or because of abridgement of the terms of the certificate, the HDC or HPC may institute an action against the violator in the Superior Court for its judicial district and request an injunction for specific action. The HDC or HPC does not have the authority to impose fines or issue “stop-work” orders on its own. The town enforcement officer and the corporation counsel must be consulted. It is the responsibility of the town to provide the HDC or HPC with legal representation as it would for any municipal body.

a. Penalties

The Superior Court injunction may direct the “removal or correction” of a building or structure or exterior architectural feature that is erected in violation of the HDC or HPC regulations. The violator may be fined \$10 to \$100 a day as long as the violation exists, or \$100 to \$250 per day if the violation is willful, plus additional damages and court costs.

The violator does not have to be the owner of the building; a lessee, tenant, agent or contractor may be in violation as well. The fines imposed by the Superior Court shall be used to restore the building, structure, or site to its previous condition, with any excess money turned over to the municipality.

b. Enforcement Officer

The HDC or HPC may designate the municipality’s zoning enforcement officer, building inspector, or other official to enforce its authority as designated by the local ordinance. The enforcement officer may be authorized to inspect and examine any particular property and issue a written requirement for remedying any violation of the HDC or HPC regulations.

The HDC or HPC should work with the enforcement officer to ensure that individual understands its purposes and concerns and is able to commit to enforcing its actions.

Securing the cooperation and trust of residents and property owners is the most effective means of enforcement. Where voluntary compliance is not forthcoming, and negotiations have broken down, the threat of legal action can persuade reluctant parties to apply for a certificate of appropriateness or adhere to the stipulations of an existing certificate.

“Stop-work” orders and daily fines may be imposed by the building official under the state building code and under local planning and zoning ordinances as warranted. HDCs and HPCs do not have the authority to impose fines or issue stop-work orders directly.

Timeline and Checklist

<input type="checkbox"/> Application Forms.	Applications for a certificate of appropriateness are available at designated town offices and at every HDC or HPC meeting.
<input type="checkbox"/> Required Submittals.	Application requirements, including property identification, scope of work, owner's signature, and required attachments (photographs, plans, specifications, sample materials) are spelled out in the HDC or HPC rules of procedure and on the application form.
<input type="checkbox"/> Pre-application Consultation.	Applicant or property owner may request a pre-application consultation with the HDC or HPC at any of its regularly scheduled meetings. Intentions or opinions expressed at the pre-application consultation are not binding on either the applicant or the HDC or HPC..
<input type="checkbox"/> Receipt of Application.	(beginning of the formal application process) The completed application is submitted to the designated town official and stamped with the date of receipt.
<input type="checkbox"/> Initial Review of Application.	The HDC or HPC chairman or a designated representative reviews the application to ensure that it is complete and that the property and scope of work are subject to HDC or HPC review.
<input type="checkbox"/> Notice of Public Hearing.	The HDC or HPC schedules a public hearing on the application, notifies the property owner or applicant, and runs a legal notice of the upcoming public hearing in a local newspaper not more than fifteen days and not less than five days before the hearing date.
<input type="checkbox"/> Public Hearing.	The HDC or HPC convenes with a quorum to conduct the public hearing and solicit comments on the application from the property owner and any other interested parties.
<input type="checkbox"/> Public Hearing Continuation.	If the allocated time for the public hearing is not sufficient to accommodate all parties who wish to speak, the HDC or HPC may continue the public hearing to a new date, notify the applicant of the continuance, and run a new legal notice in the newspaper.
<input type="checkbox"/> Regular Meeting Agenda.	When the chairman closes the public hearing, the application is placed on the agenda of the next meeting of the HDC or HPC. The agenda and notice of the meeting must be posted at least twenty-four hours in advance.
<input type="checkbox"/> Review and Deliberation.	The HDC or HPC convenes with a quorum at a posted meeting to deliberate on the application(s) listed on the agenda. The HDC or HPC may vote to (a) approve the application as submitted, (b) approve the application with conditions, (c) deny the application, or (d) continue the application for further deliberation and voting at the next posted meeting. <i>Applications cannot be continued beyond sixty-five days from the date of filing. If the commission fails to vote on the application within sixty-five days, the application is automatically approved.</i>
<input type="checkbox"/> Vote of the HDC or HPC	(no later than sixty-five days after receipt of the application) The results of the HDC or HPC vote are provided to the property owner or applicant and made available for public inspection within forty-eight hours of the regular meeting at which the vote was taken.
<input type="checkbox"/> Meeting Minutes.	The minutes of the HDC or HPC meeting are filed with the municipal clerk and made available for public inspection within seven days of the meeting.
<input type="checkbox"/> Right of Appeal.	The property owner, applicant, or other aggrieved person may file an appeal of the HDC or HPC decision with the Superior Court within fifteen days of notification of the decision. A notarized copy of the appeal must be delivered directly to the chairman or clerk of the HDC or HPC or to their usual place of abode.

E. Amendments

1. Amending the Local Historic District or Local Historic Property Boundaries

From time to time, the municipality may wish to enlarge or amend the boundaries of an existing LHD or LHP. The procedures for doing so are identical to those for designating an LHD or LHP, including the appointment of a Study Committee, preparation of a new report, a public hearing, and action by the local legislative body to adopt the amended local ordinance. The existing HDC or HPC may be appointed as the Study Committee.

When additional property is proposed as an addition to the LHD or LHP, only the affected property owners within the boundary increase are entitled to vote, by the same method of balloting as outlined in the enabling statute (CGS, Section 7-147c (b)).

2. Amending the Local Ordinance

HDCs or HPCs may need to amend or update the local ordinance to reflect changes in the character of the LHD or LHP or to bring the local ordinance into compliance with the current state enabling statute. The HDC or HPC may recommend amendments to the local legislative body for consideration and voting.

The local legislative body may also take the initiative to amend the ordinance directly provided that the amendments (1) have been submitted to the HDC or HPC for review and comment during a period of no more than sixty-five days, (2) do not involve a change in the boundaries of the existing LHD or LHP, and (3) do not involve the creation of a new LHP or LHD.

3. Amending the Rules of Procedure

An HDC or HPC may amend its own rules of procedure from time to time by a majority vote or other procedures as described in the local ordinance. The new rules of procedure must be in compliance with the state enabling statute. All changes should be reviewed by the legal counsel of the municipality prior to being adopted by the HDC or HPC.

F. Discretionary Powers

Under the state enabling statute, HDCs and HPCs are granted additional discretionary powers, including but not limited to:

- Making periodic reports to the local legislative body
- Providing information to property owners and others regarding historic preservation
- Suggesting legislation pertinent to the preservation and character of the historic district
- Initiating planning and zoning proposals
- Cooperating with other regulatory agencies, civic organizations, and groups interested in historic preservation
- Commenting on applications for zoning variances and special exceptions affecting the historic district
- Advising on sidewalk construction and repair, tree planting, street improvements, and public buildings as they affect the historic district
- Furnishing information and assistance with capital improvement programs in historic districts

- Consulting with groups of experts
- Publishing brochures, presenting walking tours, having other informational programs on the character, history, and architecture of the LHD or LHP

The discretionary powers provide an opportunity for HDCs and HPCs to extend their efforts in the community in support of historic preservation. In many communities, the HDC or HPC becomes a source of technical expertise and advice for property owners within and outside the district and for other municipal boards and officials.

Duly appointed HDC and HPC members are an important part of municipal governance. With creativity and energy, they can provide leadership in the preservation and protection of the community's historic resources.

PART THREE

**How to Be an
Effective
Commission**

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- B. Be Fair
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- A. Certified Local Governments Program
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INTRODUCTION

The practical test of a local Historic District Commission (HDC) or local Historic Property Commission (HPC) is its ability to operate effectively to preserve the heritage and character of the community. An effective HDC or HPC fulfills its regulatory responsibilities fairly and consistently, but also works to build strong relationships with private property owners and municipal officials. It works toward a goal of voluntary compliance with historic district regulations, but also moves quickly and effectively to resolve issues and controversies.

For the sake of clarity, the terms District Commission and HDC as used in this section refer to both Local Historic District Commissions and Local Historic Property Commissions except where specific rules for each apply.

I. WHAT MAKES AN EFFECTIVE COMMISSION?

To be effective, an HDC or HPC must do more than just follow the applicable regulations and rules of procedure. Members of HDCs or HPCs are appointed as voluntary public servants and have a responsibility to maintain the public's trust by thoughtful deliberation and conscientious decision-making. HDCs and HPCs are not meant to prevent growth or change in a community, but rather to guide the evolution of the built environment so that the heritage of the community is maintained and appreciated.

**A. An Effective
HDC or HPC Operates
Legitimately**

An effective HDC or HPC operates in compliance with the state enabling statute and the Freedom of Information Act. It follows well-defined procedures in the course of deliberation and decision. Historic districts are required to adopt rules of procedure (c.g.s. Sec. 7-147c (e)) that govern their actions in accordance with the State Enabling Statute.

**B. An Effective
HDC or HPC
Operates Fairly**

An effective HDC or HPC applies the same procedures and criteria to every application, regardless of ownership or use of the specific property. Potential conflicts of interest are avoided through the process of recusal and the seating of alternate members.

**C. An Effective
HDC or HPC Operates
Knowledgeably**

An effective HDC or HPC takes advantage of the expertise represented by the individual members and seeks technical assistance or advice as needed. Members may take advantage of opportunities to build their knowledge of local history, architecture, and historic preservation through courses and workshops offered throughout the state.

**D. An Effective
HDC or HPC
Operates Actively**

An effective HDC or HPC does not just wait for applications to arrive, but works to promote the value of preservation in its community. Members can play an active role in shaping a community's preservation policy and contributing to the municipality's discussions of land use and community planning.

II. DISCRETIONARY POWERS

HDCs and HPCs should always be working to build mutually beneficial partnerships with property owners and municipal officials. The effort to build partnerships requires more than just the public hearing and review of applications for a certificate of appropriateness. The state enabling statute (CGS, Section 7-147c(j)) grants local HDCs and HPCs a range of discretionary powers that can strengthen the body's public outreach and local advocacy. These powers include the authority to:

1. Make periodic reports to the local 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

The use of discretionary powers will vary by community depending on the character and needs of the specific LHD or LHP. The use of discretionary powers should always support the four broad administrative goals of an effective local HDC or HPC.

III. DESIGN REVIEW

In evaluating applications for a certificate of appropriateness, an HDC or HPC must determine whether the proposed action or alterations are “not incongruous” with the visual and historic character of the specific district. Rather than relying on individual taste or preference, members should base their deliberations on a set of general design guidelines and evaluate their applicability to the specific property. Legitimate decisions by the HDC or HPC are based on fair consideration of the individual application and consistent reference to established standards. While every application is weighed on its own merits, the deliberations and decisions of the body should not be arbitrary or capricious.

A. Design Guidelines

It is a HDC’s or HPC’s responsibility to demonstrate that its decisions are grounded in preservation principles that support the appropriate treatment and continued use of the community architectural heritage. In order to ensure that decisions are based on reasoned and researched principles, the Connecticut Commission on Culture & Tourism (CCT), along with preservation organizations across the country, recommend that HDCs and HPCs adopt *design guidelines* or *design criteria* that clearly articulate general standards for the treatment of historic buildings and structures within the body’s jurisdiction.

1. The Benefits of Design Guidelines

CGS, Section 7-147c(e) allows HDCs and HPCs to adopt regulations or guidelines to “provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness.” Such regulations give the HDC or HPC common and clearly articulated standard against which to evaluate the application. Does the application meet the stated criteria for approval? If not, what changes might need to be made? Are such changes judged to be prudent and feasible? Would they unduly impair the ownership or use of the property?

By providing a general standard for the review of all applications, design guidelines strengthen the legitimacy and fairness of an HDC’s or HPC’s decisions. Specific design guidelines should be referenced in every decision, particularly in cases where an application has been denied or a claim of hardship has been accepted. Before adopting any design guidelines, an HDC or HPC should consult with its municipal attorney and with the CCT to ensure that the guidelines are appropriate for the specific LHD or LHP.

While design guidelines facilitate the work of HDCs and HPCs, they also assist property owners within the LHD or LHP. By knowing ahead of time what criteria the HDC or HPC will use to evaluate an application, property owners can discuss possible building treatments with their architect or contractor. By working through potential design issues before submitting an application, property owners will be spared the frustration and expense of having to go “back to the drawing board” with their consultants. The HDC or HPC should make regular efforts to publicize

and distribute the design guidelines to property owners as well as to architects and contractors who work frequently in the LHD or LHP.

2. The Secretary of the Interior's Standards for the Treatment of Historic Properties

All state and federal review programs utilize a general set of historic preservation standards known as the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (*Code of Federal Regulations, Title 36, Part 68; cited as 36 CFR 68*). Since the last revision in 1992, the Secretary's Standards have been adopted and tested nationwide. They form a logical basis for the LHD's or LHP's own design guidelines. The standards are used across the country in preservation projects by public and private entities alike, and therefore provide HDCs and HPCs with a measure of legitimacy and offer clear examples of appropriate and inappropriate treatments.

The Secretary's Standards are non-technical, non-prescriptive statements that promote the responsible preservation of historic buildings and structures. The Department of the Interior, through the National Park Service, has also published *Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* to assist in the implementation of the Secretary's Standards. The Guidelines offer examples of preferred treatments and non-preferred treatments for building materials and architectural elements in a variety of different situations.

The Secretary's Standards and the related Guidelines define four specific preservation treatments: preservation, rehabilitation, restoration, and reconstruction. The appropriate treatment for a specific building depends on a variety of factors including:

- The building's relative historical and architectural significance
- The physical condition of the building
- The proposed use of the structure
- The mandated code requirements in the community

The Secretary's Standards and the Guidelines are available in electronic form on the website of the National Park Service. Printed and bound copies are available through the Government Printing Office (GPO).

3. Local Design Guidelines

The Secretary's Standards are deliberately quite general so that they are applicable and relevant to diverse historic resources throughout the United States. In addition to adopting the Secretary's Standards, HDCs or HPCs may wish to add more detailed criteria and guidelines that reference the traditional materials, building types, or architectural styles of the local community.

The regulatory authority of HDCs and HPCs is limited solely to the *exterior physical appearance* of buildings, sites and structures within the LHD or LHP. The HDC or HPC has no authority to

restrict the use of a property beyond what is allowed by local planning and zoning regulations. As HDCs and HPCs develop their own evaluation criteria, they should confirm that the design criteria do not run counter to the regulations of the state building code or the municipal planning and zoning commissions.

a. The Report of the Study Committee

The original report of the Historic District or Historic Property Study Committee identifies the particular historic and architectural features that merited protection and designation when the LHD or LHP was first proposed. It can be a valuable guide in prioritizing the features, elements, and materials that ought to be given special consideration in the design review process. (To obtain a copy of this report, contact CCT.)

b. Elements of Design Guidelines

Composing a list of character-defining features that are specific to the LHD or LHP is a good way of drawing property owners' attention to qualities the body wishes to preserve. Design guidelines should be developed in concert with this list of significant or character-defining features in the district.

According to the enabling statute, the elements of design that can and HDCs and HPCs should consider in reviewing applications for certificates of appropriateness include *“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,” as well as 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.”* (CGS, Section 7-147f(a))

A list of important design criteria that may be considered in the development and application of design guidelines may include:

- i. Height: the overall height of the building and its height in relation to surrounding buildings
- ii. Scale: the size of units and architectural details as perceived from the public way and the size of units and details in relation to adjacent buildings and open spaces
- iii. Massing: the configuration and arrangement of building masses or units of construction, frequently described as balanced (symmetrical) or unbalanced (asymmetrical)
- iv. Proportion: the relationship between the width and height of a building's elevation, or of its architectural features, such as windows or doors
- v. Roof shape: the form of the roof including eaves, overhangs, ridgelines, dormers, or other ornaments

- vi. Arrangement: the pattern and positioning of architectural features such as windows, doors, and other details on the elevation of a building
- vii. Setbacks: the open area between the building and the sidewalk, street, or adjacent structures
- viii. Rhythm and Spacing: the pattern of recurrent building masses in relation to the spaces between them
- ix. Materials: the composition and appearance of exterior architectural elements
- x. Texture: the tactile quality produced by particular building techniques or materials
- xi. Surface Treatment: the condition of exterior surfaces (for example, painted or unpainted, finished or unfinished)
- xii. Architectural Details: any exterior element which visually identifies the building as belonging to a particular historical or architectural period
- xiii. Relationship of Dependencies: the size, location, and detailing of outbuildings in relation to the main structure
- xiv. Projections: the relationship of additions, porches, and other visible extensions to the main building
- xv. Other Issues
 - (a) Parking
 - (b) Fences and Walls
 - (c) Light Fixtures
 - (d) Signs
 - (e) Renewable Energy Sources Such as Wind Turbines or Solar Panels
 - (f) Satellite Dishes and Antennae
 - (g) Monuments and Sculptures

c. Design and Implementation

The process of adopting design guidelines follows a logical sequence:

- i. Research the history and character of properties in the LHD or LHP
- ii. Consult the original Study Committee Report for the LHD or LHP
- iii. Compile a list of “character-defining features” that the guidelines might address
- iv. Examine model design guidelines for other LHDs or LHPs around the state
- v. Provide an opportunity for public discussion

- vi. Consult with municipal counsel
- vii. Consult with the local planning and zoning commissions
- viii. Consult with CCT
- ix. Adopt the guidelines by majority vote of the HDC or HPC members

B. The Design Review Process

The LHD or LHP was created by a democratic process in which the affected property owners voted to establish the regulatory controls of the specified area for their own benefit and for the common good. Property owners who have moved in since the LHD or LHP was established have benefited from the continued efforts to preserve the historic and architectural character of the neighborhood.

HDCs and HPCs have an obligation to ensure that the regulatory review process is fair and efficient, By posting all meetings, adhering to the agenda, following the rules of procedure, and recording all deliberations and decisions, the HDC or HPC can build a reputation for fairness and efficiency in service to the community.

IV. OTHER MECHANISMS FOR HISTORIC PRESERVATION

A. State Building Code

The state building code recognizes the special nature of historic structures and allows certain alternatives to the life safety code so long as safe design, use, and construction are not affected. The State's Historic Preservation Office (SHPO) reviews applications for designation of historic structure status and for preservation and rehabilitation work in compliance with established standards.

B. Connecticut Environmental Protection Act

Connecticut Public Act 82-367 directs that the provisions of Sections 22a -15 through 22a - 19, inclusive, of the Connecticut Environmental Protection Act, which permit legal recourse for the unreasonable destruction of the state's natural resources such as air, water, and soil, shall also be applicable to historic structures and landmarks. Structures and landmarks are defined as those properties that are listed or under consideration for listing as individual units on the National Register of Historic Places and that have been determined by the State Historic Preservation Board to contribute to the historic significance of such a district.

C. Certified Local Government Program

The federally authorized Certified Local Government (CLG) program recognizes local preservation planning expertise and allows communities nationwide to participate more formally in federal and state preservation programs. The CLG program in Connecticut promotes preservation of historic resources by establishing a partnership between local governments and the SHPO. In accordance with federal law, a minimum of 10 percent of Connecticut's annual federal appropriation for historic preservation is earmarked for grants to municipalities under the CLG program. Any general-purpose political subdivision of the state (city, town, municipality, or borough), which meets CLG requirements, is eligible to apply for funds.

D. Federal Review and Compliance

Cultural resource review under federal law (National Historic Preservation Act, Section 106) involves providing technical guidance and professional advice on the potential impact of publicly funded, assisted, licensed, or permitted projects on the state's historic, architectural, and archaeological resources. This responsibility of the SHPO is discharged in two steps: (1) identification of significant historic, architectural, and archaeological resources, and (2) advisory assistance to promote compatibility between new development and preservation of the state's cultural heritage. Annually, the SHPO reviews 1200-1500 federal projects, a majority of which are implemented with no impact to cultural resources.

E. Village Districts

The Village District Act is a zoning tool which can protect a community's character and historic development patterns. Connecticut Public Act (PA) 98-116 allows municipal zoning commissions to create village districts to preserve historic and scenic resources and Village District regulations are a part of the town's zoning regulations. The scope of the Village District is a little broader than an LHD; landscaping, road design, maintenance of public views, and all new construction and major reconstruction can come under review. Creating a Village District does not require approval of property owners, municipal government, or review by the SHPO, but is established by a local zoning ordinance.

F. Scenic Roads

A scenic road is defined as one that (1) passes through agricultural land or abuts land on which is located an historic building or structure listed on the National Register of Historic Places or State Register of Historic Places, or (2) affords vistas of marshes, shorelines, forests with mature trees, or notable geologic or other natural features. The program is administered by the Connecticut Department of Transportation Scenic Roads Advisory Committee. CCT routinely reviews applications for scenic road designation and assists applicants.

G. Cemetery Protection and Maintenance

Connecticut General Statutes, Section 19a - 315a-c mandates the protection of the state's ancient burial grounds, the preservation of the historic grave markers, and the respectful renovation and maintenance of historic cemeteries. The SHPO is a mandated review authority in partnership with lineal descendants and the appropriate probate court regarding all proposed improvements and/or changes within ancient burial grounds.

For more information go to the web sites of the Connecticut Commission on Culture & Tourism: www.cultureandtourism.org; the Connecticut Trust for Historic Preservation: www.cttrust.org; and the National Trust for Historic Preservation: www.preservationnation.org

