

WASHINGTON HISTORIC DISTRICT COMMISSION

RULES AND REGULATIONS

04/08/91

Revised July 16, 2001

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Authority and Purpose

Subsection 7-147c(e) of the Connecticut General Statutes provides that an historic district commission shall adopt rules of procedure not inconsistent with the Statute and further may adopt regulations not inconsistent with the Statute to provide guidance to property owners as to factors to be considered in preparing an application for a Certificate of Appropriateness.

The purpose of this document is to set forth the Washington Historic District Commission's rules and regulations applicable to:

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Section I

ORGANIZATION OF THE COMMISSION

The Washington Historic District Commission (the "Commission") is organized in accordance with the Connecticut General Statutes, Section 7-147c, and the Historic District Ordinance(s) of the Town of Washington (the "Town") originally adopted June 1, 1976, as may be amended.

A. Membership

The Commission shall consist of five(5) regular and three(3) alternate members, all of whom shall be electors of the Town, holding no salaried Town office. All members shall serve without compensation. At least one regular and one alternate member shall be residents of one of the Town's Historic Districts; at no time shall the membership be made up entirely of residents of the Historic Districts.

All members of the Commission shall be appointed by the Board of Selectmen. Members shall be appointed in such manner that the term of at least one member shall expire each year. Regular members serve for terms of five(5) years; alternates for three(3) years. Members are to continue in office until his/her successor is appointed. Appointments to fill vacancies shall be for the duration of the unexpired term.

B. Resignation

Resignations from the Commission shall be in written form and transmitted to the Chair who will forward a copy to the Board of Selectmen.

C. Conflict of Interest

If, for any reason, a Commission member finds him/herself with a conflict of interest on a particular issue, the individual will disqualify him/herself from all deliberations and proceedings on such issue and shall abstain from any vote on the issue. In all cases, each Commission member must avoid the appearance of impropriety.

D. Election of Officers

The Commission shall elect, annually in January, a Chair, a Vice-Chair, and a Clerk from its own members. Alternate members shall not participate in the election of officers.

E. Duties of Officers

1. Chair

The Chair shall preside at all meetings and hearings of the Commission and shall have the following duties, any of which may be delegated to the Vice Chair, Clerk or Secretary:

- a) to appoint alternates to fill a vacancy caused by the absence or disqualification of a regular Commission member at a meeting or hearing;
- b) to appoint committee members;
- c) to appoint a clerk pro-tem in the absence of the elected Clerk at meetings or hearings;
- d) maintain a monthly record of the Commission's expenditures on a fiscal year basis;
- e) submit the Commission's budget to the Board of Selectmen; and
- f) file a brief summary of the Commission's actions, including a statement of the number and nature of Certificates of Appropriateness issued, and any changes in the membership of the Commission, and any other information deemed appropriate by the Commission with (a) the Town Clerk at least once each fiscal year, and (b) the Connecticut Historical Commission at least once each calendar year.

2. Vice-Chair

The Vice-Chair shall act for the Chair in his/her absence and have the authority to perform duties prescribed for that office.

3. Clerk

The Clerk (or secretary under the supervision of the Clerk) shall arrange to:

- a) keep the minutes and records of the Commission;
- b) provide notice of all meetings to all Commission members and the public;
- c) provide legal notice and advertisement of public hearings;
- d) attend to the correspondence of the Commission;
- e) receive applications; and
- f) review and accept applications.

4. In the absence of the Chair and Vice-Chair, the Commission members present shall elect a Chair pro-tem.

F. Committees

Alternate members may serve on any committee. Without limitation, committees may be appointed to carry out such functions as the following:

1. New District Study Committee:
to research and propose additional areas suited for the creation of a new district and to coordinate the activities necessary to establish a new district.
2. Historic Properties Study Committee:
to research and propose areas and properties suited for nomination under the Historic Properties Act.
3. Survey Committee:
to coordinate historical/architectural surveys within the town; to be involved with the Planning Commission and/or Zoning Commission in their work.
4. Guidelines Committee:
to develop and/or revise guidelines for property owners relating to the erection or alteration of structures within the Historic Districts; and, in coordination with the Property Owner Liaison Committee, to make these guidelines known to the public.
5. Property Owner Liaison Committee:
to contact and acquaint new property owners with the rules and procedures established by the Commission.
6. Enforcement Committee:
to coordinate with the Enforcement Officer any activities relating to the enforcement of Commission rulings.
7. Certificate Monitoring Committee:
to review and monitor work being performed under an approved Certificate so as to ensure compliance with the Certificate and any stipulations contained therein.
8. Application Review Committee:
to review applications for completeness and accuracy with the applicant prior to the review by the entire Commission at a Public Hearing. At least two(2) members will review each application.
9. Selectmen Liaison Committee:
to provide communication and coordination with the Selectmen's office as to the Commission's activities and requirements.
10. Press Committee:
to coordinate news releases to the press.
11. Procedure Committee:
to review and update the Commission's Rules and Regulations.

G. Consultants

The Commission may, subject to appropriation, employ clerical and technical assistants or consultants, and may accept money gifts and expend the same for such purposes.

H. Enforcement Officer

The Historic District Commission Enforcement Officer shall be appointed annually by the Commission. When no such appointment has been made, the Building Inspector shall serve as the Commission's Enforcement Officer. If the Building Inspector is unable to serve, the Zoning Enforcement Officer shall serve in this capacity.

Section II

MEETINGS

A. Meetings Defined

There are three(3) types of meetings (other than executive sessions): regular meetings, special meetings and emergency meetings. All meetings are open to the public.

B. Frequency and Schedule

1. Regular Meetings

Regular meetings will be held monthly in Bryan Memorial Town Hall. The schedule of regular meetings for each new calendar year will be made available to the Town Clerk at least thirty(30) days prior to the Commission's January meeting.

2. Special Meetings

Special meetings will be held "as needed". Meeting notices will be posted in the Town Hall at least twenty-four(24) hours beforehand, stating time, place and business to be transacted. No other business except that posted shall be considered at special meetings. Prior notice will be given to all Commission members.

3. Emergency Meetings

In case of emergency, an emergency meeting may be held without the required 24-hour notice, provided that a copy of the minutes of every such emergency adequately sets forth the nature of the emergency meeting and the proceedings occurring at such meeting, and is filed with the Washington Town Clerk not later than seventy-two(72) hours following the holding of such meeting.

C. Agenda

An agenda will be prepared for each meeting. Additional items may be added to the agenda at a regular meeting upon the vote of two-thirds(2/3) of the Commission. A copy of the agenda will be posted in the Town Hall not less than twenty-four(24) hours before any regular or special meeting.

D. Conduct of Meetings

1. Seating of Alternate Members

If a regular member is absent or has a conflict of interest, the Chair shall choose alternate members 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. When seated, alternate members shall have the same powers and duties as regular members.

2. Quorum

Three members seated and present shall constitute a quorum for the transaction of all business either at meetings or public hearings.

3. Order of Business

a) The order of business at a Public Hearing is as follows:

- 1) roll call;
- 2) conduct public hearing; and
- 3) close public hearing.

b) The order of business at a regular meeting is as follows:

- 1) roll call;
- 2) if applicable, action on pending applications;
- 3) reading and approval of minutes of previous meeting;
- 4) report of committees;
- 5) unfinished business;
- 6) new business; and
- 7) adjournment.

4. Executive Sessions

Executive sessions may be convened only by the affirmative vote of two-thirds(2/3) of the members voting at a meeting. The Commission shall, in its minutes, state the reasons for each executive session and disclose in said minutes all persons who are in attendance. No votes shall take place while in executive session.

Executive sessions are held only when issues concern one or more of the following:

- a) discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee provided that such individual may require that discussion be held at an open meeting;
- b) strategy and negotiations with respect to pending litigation or claims;
- c) selection of a site or the lease, sale, or purchase of real estate until transactions are completed or abandoned;
- d) public records exempt from disclosure according to the provisions of the Freedom of Information Act, such as preliminary drafts or notes, and discussion of any matter which would result in the disclosure of public records or the information contained therein described in the General Statutes, Section 1-19(b), as amended; and
- e) matters concerning security.

E. Minutes

Minutes shall be taken at each meeting and public hearing of the Commission and must be made available for public inspection. The minutes must record votes of each member participating in resolutions, transactions, or determinations. Copies of the minutes will be filed with the Town Clerk within seven(7) days of the meeting or hearing, Saturday, Sunday and legal holidays excluded. Additional copies of the minutes will be distributed to each member of the commission prior to its next regular meeting.

Section III

PUBLIC HEARINGS

A. Purpose and Frequency

Public hearings shall be held:

1. as soon as practical after accepting a reasonably complete application;
2. as outlined in the General Statutes governing the creating or enlargement of historic districts and/or any change in a District's boundaries.
3. at the discretion of the Commission when significant concerns or questions arise relating to the administration of a District; and
4. to adopt or revise the Rules and Regulations of the Commission.

B. Legal Notice/Agenda

Public hearings shall be advertised in a local newspaper at least five(5) but not more than fifteen(15) days prior to the public hearing date. The advertisement will contain, at a minimum, the purpose as well as the time, date, and place of the hearing and, if applicable, the name(s) of the property owner(s) and applicant(s) and address or description of the property.

This legal notice will serve as an agenda for the hearing, and shall be posted in the Town Hall not less than twenty-four(24) hours prior to the hearing.

C. Conduct of Public Hearings (involving a Certificate of Appropriateness)

1. Any individual may appear in person, by agent, or by attorney at a hearing.
2. Applications are heard in the order in which they are placed on file and as shown on the call of the hearing.
3. The order of business will be as follows:
 - a) roll call;
 - b) the Chair shall remind Commission members of their responsibility regarding conflicts of interest and ask any members with a conflict of interest to disqualify themselves;
 - c) the Chair shall read the application;
 - d) the applicant shall provide the information needed by the Commission to make a determination of appropriateness as outlined in Section IV D 1 a-g, by giving a detailed description of the work proposed in the application with supporting evidence including, but not limited to, blueprints, drawings, photographs and samples and specifications of materials;
 - e) upon completion of the presentation, the Commission shall have an opportunity to question the applicant;
 - f) after questions by the Commission, the Chair will ask for supporting testimony or comments of interested persons;
 - g) the Commission shall then have the opportunity to question those in support of the application;
 - h) upon the close of supporting comments, the Chair will ask for comments from those in opposition to the application;
 - i) the Commission shall then have the opportunity to question those in opposition to the application; and
 - j) prior to closing the public hearing, the Chair shall ask for any final comments or questions.

Each individual recognized by the Chair will give his/her name prior to commenting on a particular issue. To maintain an orderly process, each side shall proceed without interruption by the other.

D. Evidence

The hearing for each application will be recorded by a sound recording device. Supporting materials (such as maps, photos, drawings, etc.) to each application will be entered into the record in numerical order. Additional material or correspondence presented to the Commission during the hearing will be entered into the record in like manner.

Section IV

CERTIFICATES OF APPROPRIATENESS

A. Definitions--as used in the Section, the words and phrases listed below shall have the following meaning:

BUILDING--a combination of materials forming a shelter for persons, animals, or property;

STRUCTURE--any combination of materials (other than a building) which is affixed to the land, and shall include, but not be limited to, roads, driveways, parking areas, curbs, sidewalks, fences, walls, dams, bridges, docks, outdoor fireplaces, tennis courts, utility structures, gazebos, swimming pools, lampposts, monuments, statuary, signs, bill posters, and any other feature of the built environment;

ERECTED--constructed, built, installed, or enlarged;

ALTERED--changed, modified, rebuilt, reconstructed, restored, razed, demolished, removed, or moved;

EXTERIOR ARCHITECTURAL FEATURES--such portion of the exterior of a structure or building as is open to view (without regard to existing or proposed vegetation) from a public street, way, or place;

APPROPRIATE--not incongruous with those aspects of the Historic District which the Commission determines to be historically or architecturally significant.

B. Jurisdiction of the Commission

1. No building or structure shall be erected, altered, or demolished within an Historic District until after an application for a Certificate of Appropriateness as to exterior architectural features has been submitted to, and approved by, the Commission. A Certificate of Appropriateness shall be required whether or not a building or zoning permit is required.

2. Except for such parking areas as were in existence prior to the establishment of the Historic District in which they are located, no area within any Historic District may be used for industrial, commercial, business, home industry, or occupational parking until after an application for a Certificate of Appropriateness as to parking has been submitted to, and approved by, the Commission, regardless of whether such area is zoned for such use.
3. For projects requiring a Certificate of Appropriateness, no building or demolition permit shall be issued until such Certificate has been issued by the Commission.
If a building or structure is to be demolished, no demolition shall occur for ninety(90) days from issuance of a demolition permit if during such time the Commission or the Connecticut Historical Commission is attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition. During the 90-day period, the Town may abate all real property taxes. At the conclusion of such 90-day period, the demolition permit shall become effective and demolition may occur.
4. A Certificate of Appropriateness need not be applied for in the following circumstances:
 - a) for ordinary maintenance or repair of a building, structure, or architectural feature which does not involve a change in its appearance or design or materials to be used;
 - b) for the erection, alteration, or demolition of any building, structure or portion thereof which the Building Inspector or similar agent has certified as being necessary for the public safety; and
 - c) for the erection, alteration, or demolition of any building, structure, or portion thereof under a building permit (or demolition permit) issued prior to the date on which the Historic District was created.

While of interest to the Commission, matters pertaining to a building's use, the arrangement of its interior features, and the color of paint applied to its exterior are not within the Commission's legal jurisdiction. The Commission may, however, recommend adaptive re-use of any building or structure compatible with the historic architectural aspects of the District.

C. Application Procedure for a Certificate of Appropriateness

1. General

- a) Applications may be obtained from the Land Use Office at Bryan Memorial Town Hall. Applications shall be signed by the property owner(s) or, in the case of corporations and institutions, by their chief executive officer or authorized

agent. Applications with respect to jointly-owned property may be made by one owner.

- b) All applications shall be accompanied by a fee, payable to the Town of Washington in the amount specified on the application form, to help offset the administrative costs of publicizing and conducting the Public Hearing relative to such application.
- c) Applications should be addressed to the Commission and filed in the Town Hall.
- d) Commissioners will be available at their regular monthly meetings to have preliminary discussions with applicants regarding any aspect of the application procedure or required documentary evidence.

2. The Application

- a) All applications shall be accompanied by a site plan, elevations, blueprints, drawings, survey map, photographs, samples or specifications of building materials, and/or whatever other evidence is accessible to show fully the nature of the work to be performed. Technical documentation shall be prepared by an architect, engineer, surveyor, or qualified building contractor unless the Commission waives this requirement in case of minor construction work. All drawings shall be to a scale which can be easily read, and the scale shall appear thereon. Photographs shall be no smaller than 3"x5" in size, and shall be identified as to the point from which they are taken.
- b) Rehabilitation or Restoration
Applications involving the rehabilitation or restoration of buildings, structures or any portion thereof should include:
 - 1) a description of existing materials and their condition;
 - 2) a statement supported by physical or documentary evidence for the proposed changes; and
 - 3) if possible, historical photographs.
- c) Applications for new construction should include a streetscape elevation or photographic mock-up showing the new design in the context of its surrounding neighborhood.
- d) Applications for signs and bill posters shall specify their respective style, material, size and location.
- e) Applications involving demolition or removal shall include a statement as to the anticipated appearance and condition of the property after the proposed work has been completed.

3. Public Hearing of Applications

- a) Completed applications will be heard at a public hearing, the date of which will normally coincide with the next regular monthly meeting of the Commission, provided applications are received at least eighteen(18) days prior to the date of that meeting. Applications received less than eighteen(18) days before a regular monthly meeting of the Commission will

normally be scheduled for a public hearing on the date of the Commission's second successive regular meeting.

- 1) A certified letter with return receipt requested will be sent to each applicant, stating the date, time and place of the public hearing at which his/her application will be heard.
 - 2) Omissions in the application must be supplied by the applicant prior to the public hearing.
 - 3) Applications which are not complete must be withdrawn by the applicant or face the probability of denial by the Commission.
- b) Copies of the application will be made available to members of the Commission prior to the pertinent public hearing.
 - c) A sub-committee may review each application for completeness prior to the hearing.
 - d) Commission members will be encouraged to visit the site prior to the pertinent public hearing.
 - e) At the public hearing, the applicant or any interested party may appear in person, by agent, or by attorney, and may offer any relevant evidence or comment on the application and supporting materials. The Chair may require that anyone offering evidence shall be sworn. Formal rules of evidence shall not apply and no party shall have any right of cross-examination. The Chair shall have the right to make such rulings as may be necessary to conduct the hearing in an orderly, expeditious and fair manner.
 - f) Failure of the Commission to act within sixty-five(65) days of its receipt of an application for a Certificate of Appropriateness shall constitute automatic approval of such application.

D. Standards for Determining Appropriateness

1. Buildings and Structures

In making its determination as to whether or not exterior architectural features are appropriate, the Commission shall consider the following, in addition to any other pertinent factors:

- a) The overall character of the proposed structure and its compatibility with its site, existing structures on the site, and the historic district as a whole;
- b) the scale of the proposed structure relative to its site, existing structures on the site, and the historic district as a whole;
- c) the shape and massing of the proposed structure, and the compatibility of these qualities with those of existing structures on the site and in the historic district;

- d) patterns in the proposed work, such as those caused by window mullions, fenestration, or columns, and their compatibility with existing structures and the historic district as a whole;
- e) trim and decorative detail, and their compatibility with the proposed structure and existing buildings on the site;
- f) materials;
- g) the visibility, style and scale of utility structures, light fixtures, signs and such, including mechanical structures as described in the Washington Historic District Commission's Guidelines.

2. Site Development Including Parking Areas and Driveways

The Commission shall consider these and other similar factors:

- a) size;
- b) material;
- c) visibility of cars;
- d) location and relation to building(s); and
- e) lighting and signs.

E. Variations

Where, by reason of topography or because of other unusual circumstance, strict adherence to the standards will impose exceptional practical difficulty or undue hardship on the applicant, the Commission may vary or modify its standards so as to relieve such difficulty or hardship, provided such variation remains in harmony with the general character of the District.

F. Actions by the Commission

After the public hearing has been concluded, the Commission will, at its next regular meeting or at a special meeting called for that purpose, deliberate as to whether or not the proposed erection, alteration or demolition of the building(s), structure(s), feature(s) or parking area(s) are incongruous with the historic or architectural aspects of the District, and thereupon vote on the pertinent application. The concurring vote of three seated members of the Commission shall be necessary to issue or deny a Certificate of Appropriateness.

1. Approval

If the Commission approves an application, a Certificate of Appropriateness will be issued. The Certificate may contain stipulations clarifying or identifying types of materials, design modifications and limitations on the location of features. Each Certificate will indicate the time span within which the work must be completed.

The original Certificate, together with a covering letter, will be sent by certified mail/return receipt requested to the applicant. The letter will remind the applicant that the Commission's approval pertains only to work specified in the accompanying Certificate and that any changes or modifications will require a supplemental application before such work may commence.

A copy of the Certificate will be distributed to both the Town's Building Inspector and its Zoning Commission. A file copy, along with the original application and attachments thereto, will be placed with the Historic District Commission's permanent records in the Town Hall.

2. Amendments and Extensions

Requests either to amend or to extend an outstanding or expired Certificate of Appropriateness will be considered by the Commission upon receipt of an application for the amendment or extension of the Certificate of Appropriateness previously issued on (date of prior Certificate of Appropriateness). The application will be submitted in accordance with Section IV of the Washington Historic District Commission Rules and Regulations and considered at a public hearing as required by the Rules and Regulations.

3. Denial

An application for a Certificate of Appropriateness will be denied if, in the judgement of the Commission, the work proposed is not appropriate. The reasons therefore shall be recorded in the minutes of the pertinent meeting.

Written notice of denial will be sent by certified mail/return receipt requested, to the applicant. The notice will specify the basis for the Commission's reasoning that the work proposed is not appropriate and may also include recommendations relating to the design, arrangement, texture, material and similar features.

Applications for exterior architectural features whose primary purpose is to utilize renewable resources will be denied only if the Commission finds that such feature(s) cannot be installed without substantially impairing the historic character and appearance of the District. A Certificate of Appropriateness for such feature(s) may nevertheless include stipulations requiring design modifications and limitations on its location which would not significantly impair its effectiveness.

G. Appeal Procedure

Anyone who has been aggrieved by the decision of the Commission may, within fifteen(15) days of the rendering of that decision, take an appeal to the Superior Court of the Judicial District of Litchfield in accordance with Section 7-147i of the General Statutes.

H. Enforcement

The Commission will take action to prevent the violation of any rule or procedure contained herein or any section of the applicable Statute(s) and/or Town ordinance(s). In pursuance of its authority hereunder, the Historic District Commission is empowered to hire and retain its own Enforcement Officer who may be the Town's Building Inspector or its Zoning Enforcement Officer or such other person as the Commission may appoint.

In addition to its other remedies, the Commission may also institute an action in the Superior Court of the Judicial District of Litchfield to restrain any violation and order its correction or removal.

Any person(s) found to be in violation of the Commission's regulations or orders shall be fined not less than ten dollars(\$10.00) nor more than one hundred dollars(\$100.00) per day; where the violation is found to be willful, the fine shall not be less than one hundred dollars(\$100.00) nor more than two hundred dollars(\$200.00) for each day the violation exists. All such offenses shall be under the jurisdiction of the aforementioned Court.

It shall be the responsibility of the person(s) found to be in violation to notify the Commission in writing at such time as the violation has been remedied.

Section V

REVISIONS OF RULES AND REGULATIONS

The Commission is empowered to adopt and, from time to time, to modify its rules and regulations after they have been reviewed at a public hearing called for that purpose. Such action requires the concurring vote of three seated members of the Commission.

04/08/91
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HISTORY OF REVISIONS

These revisions were made on July 16, 2001.

Section I

I E 1. Revised duties of Chair; added d, e and f.

I E 3. Revised duties of Clerk; added e and f.

Section II

II D 3. Revised Order of Business; added order of business at Public Hearing.

Section III

III A 1. Changed wording in d.

Section IV

IV C 3f. Changed wording.

IV D 1. Expanded on standards for determining appropriateness of exterior architectural features; a through g.

IV F 2. Revised Actions by the Commission; added Amendments and Extensions.