

Chapter (#) BUILDINGS, DEMOLITION OF

Sec. 1 -Purpose.

The purpose of this ordinance is to authorize the Town of Washington, as allowed by Section 29-406(b) of the Connecticut General Statutes, to impose a waiting period of not more than 120 days before granting a demolition permit for certain structures of architectural, historical, or cultural importance. The objective of this process is to promote the cultural, economic, educational and general welfare of the Town of Washington by establishing a process whereby the owners of buildings with significant historic characteristics will be informed of the economic, cultural, and aesthetic benefits of historic preservation and to encourage preservation, rehabilitation and reuse of such structures. The waiting period will provide time for all interested parties to consider and put forth alternatives to demolition, and to preserve historically significant records, photographs, artifacts, and other items of continuing historical interest. This ordinance is limited to, and will provide greater public notice of, permits to demolish a building, structure, or part thereof that is more than 75 years old and 500 square feet or more in area. The 120-day waiting period begins when the Historic Review Committee has determined that the structure to be demolished falls under the purview of the Ordinance.

Sec 2.- Permit Required.

No person, firm, corporation, or other entity shall demolish any building, structure, or part thereof without first obtaining a permit from the Town Building Official. Such permit shall be issued except as otherwise provided in this ordinance pursuant to Section 29-406 of the Connecticut General Statutes, as amended.

Sec. 3.-Permit requirements for certain structures.

When any building, structure, or part thereof proposed to be demolished is 500 square feet or more in size and at least 75 years old (hereinafter referred to as “the Structure”), then no permit shall be issued except upon compliance with the provisions of this ordinance in addition to Section 29-406 of the Connecticut General Statutes and the State Demolition Code, as the same may be amended. If the age of the Structure is unknown, not indicated, or in dispute, it shall be assumed to be at least 75 years old for the purpose of this article.

Sec. 4 – Notice of Intent to Demolish.

Notice to Demolish can be obtained from the Land Use office and then submitted to the Historic Review Committee.

- A. The name, if any, and address of the structure to be demolished.

- B. The name and address of the owner(s) of the structure to be demolished.
- C. The age of the structure to be demolished,
- D. The square footage of the structure to be demolished.
- E. Photos of the structure to be demolished must be submitted with the application to eliminate any confusion as to which structure is to be demolished.
- F. The applicant shall give the reason for requesting a demolition permit and a brief description of the proposed replacement for the existing building.

Sec. 5. – Notice of intent to demolish; publication and posting.

When an applicant fills out a Building Permit Form and checks the “Demo” box, he/she shall be handed a Notice of Intent to Demolish (attached). A copy of that form shall be given to the Building Official, the Historic Review Committee, the Gunn Historical Museum and the Historic District Commission. The Historic Review Committee then determines if the structure falls under the Ordinance. If so, the findings of the committee are sent to the applicant in writing. If it fits the Ordinance, then applicant has fourteen days to proceed with the following:

- A. The applicant shall follow the established procedure for any public notification, including publication in a local newspaper. Such notice is defined and described in Section 6.
- B. The applicant shall mail copies of Notice of Intent to Demolish and the Historic Review Committee’s determination if the structure is deemed historic by certified mail to the owners of all properties adjoining (and across the street from) the property on which the structure to be demolished is situated. Also, the applicant shall mail copies of such notice by certified mail to the Historic Review Committee and the Gunn Historical Museum.
- C. The applicant shall post in a conspicuous location on the property on which the structure is situated, a sign provided by the Historic Review Committee. Such sign shall include a copy of the notice and shall contain the word “DEMOLITION.” If there is more than one structure proposed for demolition one sign shall be posted in respect to each such structure. All signs required hereunder shall remain posted on the property; if the permit is issued, until completion of all demolition activities authorized by the permit or may be removed if the structure is not deemed to be historic.

D. Interested parties may request the Historic Review Committee inform them of any structures to be demolished. The list of interested parties is to be maintained by the Historic Review Committee.

Sec. 6- Notice Contents

The notice required by Section 5 shall be on a form approved by the Town Building Official, shall be entitled "Notice of Intent to Demolish," and including the following information:

- A. The information required in Section 4 A through D of this ordinance inclusive:
- B. A statement that an application for a permit to demolish has been filed in the office of the Town Building Official and is currently pending and is available for public inspection.
- C. This shall include all three documents: application for building permit, Notice of Intent to Demolish, and the Historic Review Committee's determination letter.

Sec. 7 – Verification

Within 14 days after publication of the notice, the applicant shall file in the office of the Town Building Official a statement verified under oath on a form approved by the Town Building Official certifying that all requirements of the ordinance have been complied with and attaching thereto a copy of the notice, as required by other Land Use applications. These would include a photo of the demolition sign, copies of receipts showing neighbors, Historic Review Committee and the Gunn Museum have been informed and a copy of the newspaper notice.

Sec. 8 – Historical Review Committee

There shall be a standing committee appointed by the Board of Selectmen consisting of not more than five persons with appropriate credentials or experience, if possible, in architecture, archaeology, history or historical preservation. The committee shall have the following duties and responsibilities:

- A. To prepare and update the Historic Resource Inventory listing structures in the Town of Washington with historical significance.
- B. To prepare and update written criteria for the analysis of historical, architectural, and other characteristics relevant to this ordinance.
- C. To reach out proactively to owners of significant structures and inform them of the tax benefits, grants, and economic, cultural, and aesthetic benefits of historic

preservation, and to encourage the preservation, rehabilitation, and reuse of such structures.

D. To develop policies and procedures consistent with this ordinance.

E. To review and decide upon objections to demolition filed in accordance with the following sections.

F. To review the request by a person or persons asking for admittance to the property or to provide for admittance to a person who would be helpful in making the decision: i.e., structural engineer.

Sec. 9- Procedures – Review by the Historical Review Committee, Objections, and Issuance of Permit.

A. If the structure is not deemed to be historic by the Historic Review Committee, there is no recourse to delay demolition: however, if the building is judged to be historic the 120 day delay is in effect during which time objections to demolition can be registered with the Historic Review Committee.

B. Any written objection to the proposed demolition shall be reviewed by the Historic Review Committee and the committee shall respond to the objection within 30 days of the objection. If the Committee makes a written finding that the structure is not of an age, style, condition, or character that is of historical, architectural, or cultural significance to the Town of Washington, then the Building Official shall issue the demolition permit provided the time for filing objections have been satisfied.

The Committee has 30 days to make a written finding that the structure is of historical, architectural, or cultural significance to the Town of Washington, then the Building Official shall not issue the demolition permit until 120 days after the determination was made by the Historic Review Committee. In the event, however, that written objections have been addressed before the expiration of such a 120 day period, or the Committee, having considered the steps that have been taken to accomplish the purpose of this ordinance, the Committee makes a finding that no further delay is appropriate, the Building Official shall issue the demolition permit, provided all other requirements of the State Demolition Code has been satisfied.

C. The Historic Review Committee shall inform Preservation Connecticut when it has determined that the structure is historic.

D. If a delay of demolitions is issued by The Historical Review Committee, throughout the demolition delay period imposed under this ordinance, the owner of

record shall be required to secure and maintain the structure in a manner that minimizes the risk of water penetration, vandalism, fire, or other damage. Partial demolition including removal of doors, windows, roofing or any other building mater is prohibited during the demolition delay period.

During the demolition delay period of up to 120 days from application, the owner of a historic property shall pursue and give due consideration to all possible alternatives to demolition, including preservation, restoration, rehabilitation, or detailed recordation of the affected structure. To avoid or mitigate the anticipated effects of demolition, access to a property would be decided by the Historic Review Committee with property owner having retained the prerogative to allow others on her/his property.

F. No permit for demolition of a historic structure shall be issued by the building official until all plans for use and development of this site, as applied to this application have been filed with the Building Official and have been found to comply with all laws pertaining to the issuance of a building permit or if a parking lot, a certificate of occupancy for the site. All approvals necessary for the issuance of such building permit or certificate of occupancy, including without limitation any necessary zoning variances or special permits, must have been concluded prior to the issuance of a demolition permit for a historic structure under this chapter.

Sec. 10 – Factors for Consideration

In carrying out the purposes of this ordinance, the Historic Review Committee shall consider, in addition to other criteria developed by the Committee, the structure's significance in national, state, or local history architecture, archaeology, engineering, and culture. A structure may be considered significant for any of the following reasons:

- A. The structure is associated with events that have made a noted contribution to national, state, or local history; or with the broad architectural, cultural, political, economic, or social history of the town, the state, or the nation.
- B. The structure is associated with the lives of persons noted in national, state, or local history.
- C. The structure embodies distinctive characteristics of a type, period, or method of construction that is rare or disappearing and worthy of preservation; or represents the work of a noted architect, builder, or craftsmanship either by itself or in the context of a group of buildings.

Sec. 11- Definition of Demolition.

In addition to complete demolition of a building or structure, the following actions shall require a demolition permit under this chapter.

- A. Removal of a roof for the purpose of for instance: raising the overall height of a roof; rebuilding the roof to a different pitch; or adding another story to a building.
- B. Removal of one or more exterior wall(s) or partition(s) of a building.
- C. Gutting of a building's interior to the point where exterior features (windows, doors, etc.) are impacted.
- D. Removal of more than 25% of a structure's overall gross square footage.
- E. The lifting and relocating of a building on its existing site or to another site.
- F. The delay or withholding of maintenance on a building or structure, in such a way as to cause or allow a significant loss of architectural integrity or structural stability as deemed by the Building Inspector.

Sec. 12- Violations and Penalties.

The Historic Review Committee and the Building Official are each specifically authorized to institute any and all actions or proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof. During the application process period and during the demolition delay period, if applicable, the owner of the property shall adequately maintain and protect the structure in order to prevent any further deterioration. Failure to do so shall be considered demolition by neglect and may be subject to penalties.

In the case of full or partial demolition of any structure in the absence of or in advance of a valid demolition permit, the Building Office shall impose a two-year restriction on the property during which no earthwork, landscaping, construction, or further demolition may take place on the subject property or on any adjoining parcels under common ownership and control without the review and approval of the Historic Review Committee. The restriction may only be lifted by the written agreement of the Building Official and the Historic Review Committee. Any persons failing to abide by the provisions of this chapter or Connecticut Statutes Sections 29-401 through 29-415 shall be fined \$1,000 per day, as each day constitutes a separate violation, pursuant to Connecticut General Statutes Section 29-254a. All fines imposed shall be collected by the Enforcement Officer and made payable to the Town of Washington

Sec. 13 - Provisions supplemental

This ordinance is intended to supplement and not to limit any requirements now or hereinafter imposed on any applicant for or recipient of a permit and to supplement and not to limit any authority now or hereafter granted to the Town Building Official by the Connecticut State Building Code and the State Demolition Code. The provisions of this ordinance shall not apply to any demolition ordered by the Town Building Official because of an emergency or threat to public health or safety.