

WASHINGTON HISTORIC DISTRICT COMMISSION
2 Bryan Hall Plaza
Washington Depot CT 06794

November 11, 2021

Zoning Commission
2 Bryan Hall Plaza
Washington Depot, CT 06794

Dear Commissioners,

This letter is to inform you that the Historic District Commission has submitted a proposal to the Board of Selectmen for a Delay of Demolition Ordinance. As a courtesy, the Historic District Commission has elected to send the latest draft of this proposed town ordinance to the Zoning Commission.

If any member of this Commission has any questions or concerns regarding this proposal, please feel free to contact either the Board of Selectmen, or the Historic District Commission to voice these comments.

Attached is the latest version of this proposed ordinance.

Sincerely yours,

Dennis Buell

Dennis Buell
Historic District Commission Clerk

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 application to demolish is received by the Historic Review Committee.

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 – Application Contents.

An application 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, as determined by the Historical Review Committee.
- D. The square footage of the structure to be demolished; and
- E. The names and addresses of the owners of all properties adjoining (and across the street from) the property on which the structure to be demolished is located, according to an attached copy of a pertinent portion of the current Assessor's Map.
- F. 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.
- G. 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.

Within 10 days after the filing of an application for a permit to demolish a structure,

- 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 such notice 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. 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.
- D. Post in a conspicuous location on the property on which the structure is situated, a sign at least 24 inches by 36 inches in size visible from the nearest public way or other access way adjoining the property. Such sign shall include a copy of the notice and shall contain the word "DEMOLITION" in capital letters no less than two inches in height. 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.

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 G of this ordinance inclusive: and

- 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.

Sec. 7 – Notice Filing

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, archeology, 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.

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. If a written objection to the application is received within 15 days after public notification, the Historic Review Committee shall review and decide all pertinent objections within 30 days of receipt 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. If the Committee makes a timely 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 application was received by the Historic Review Committee. In the event, however, that all pertinent written objections are withdrawn 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. 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.
- D. 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. In order to avoid or mitigate the anticipated effects of demolition, the owner shall make a good faith effort to accommodate reasonable requests from any interested parties for information about or access to the structure for the purpose of evaluating alternatives to demolition.
- E. No permit for demolition of a historic structure shall be issued by the Building official until all plans for future use and development of the site 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, archeology, 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 hereinafter 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.