

SOUTHBURY HISTORIC DISTRICT # 2  
VILLAGE OF SOUTH BRITAIN  
RULES OF PROCEDURE

Adopted June 29, 1993, Revised October 25, 2011

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SECTION I GENERAL

A. Purpose.

The purpose of these regulations is to provide procedures and guidelines for the functioning of the Commission:

B. Jurisdiction

The commission will operate in accordance with Connecticut General Statutes Sections 7-147a-k inclusive, and the enabling Ordinance of the Town of Southbury, dated January 28, 1992, as said Statutes and Ordinance may be amended from time to time.

1. The boundaries of the District are shown on a map entitled VILLAGE OF SOUTH BRITAIN HISTORIC DISTRICT, #2949, and prepared by Stuart F. Somers, Civil Engineer and Land Surveyor, P.C. Map dated 1/30/92 on file with the Town Clerk.

2. Definitions

As used in these regulations, "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 any 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; "appropriate" means not incongruous with those aspects of the District which the Commission determines to be historically or architecturally significant.

3. No building or structure shall be erected or altered within the District until an application for a Certificate of Appropriateness as to exterior architectural features has been submitted to and approved by said Commission. A Certificate of Appropriateness shall be required whether or not a building permit is required except as noted in Section V below. The provisions of General Statutes Sections 7-147a-k inclusive, and these regulations shall not apply to any property owned by a non-profit institution of higher education, for so long as a non-profit institution of higher education owns such property.

SECTION II ORGANIZATION OF THE COMMISSION

A. Ordinance

1. Commission

An historic commission is hereby established which shall consist of five (5) regular members, and three (3) alternate members, who shall be electors and none of whom shall hold a salaried public municipal office with the Town of Southbury. All appointments of members and alternate members shall be made by the Board of Selectmen for a term of five (5) years, except that an appointment to fill an unexpired term shall be made for the duration of the unexpired term.

At all times, at least two (2) regular members and one (1) alternate member of the commission shall be residents within the historic district established by this ordinance, if at the time appointments are made such residents have represented to the Board of Selectmen willingness to serve and qualification for appointment. Otherwise, the commission may consist of residents of the town who are not residents of said historic district.

Within thirty (30) days after the adoption of this ordinance, the original commission members shall be appointed by the Board of Selectmen in the following manner:

- One (1) member and one (1) alternate for a term to expire 1/15/93
- One (1) member and one (1) alternate for a term to expire 1/15/94
- One (1) member and one (1) alternate for a term to expire 1/15/95
- One (1) member for a term to expire January 15, 1996
- One (1) member for a term to expire January 15, 1997.

All subsequent terms shall be for five (5) years.

Any member or alternate may be appointed for another term or terms. Vacancies shall be filled for the unexpired term. All members shall serve without compensation.

Within thirty (30) days after the appointment of

five (5) members and three (3) alternates, the commission shall elect a chairman, vice chairman, and secretary from within its membership. Alternate members may serve as officers, but may only vote in the elections of officers if seated in place of a regular member by the rotation selection process. Officers shall be elected annually.

If a regular member is absent or has a conflict of interest, the chairman shall designate an alternate to so act, choosing an alternate 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.

## 2. Powers and Duties

The commission shall have such powers and shall perform such functions described in Chapter 97a, sections 7-147a et seq.

Within six (6) months after the first meeting of the commission, the members shall adopt rules of procedure not inconsistent with the provisions of Part 1 of Chapter 97a of the CGS. Within twelve (12) months after the first meeting of the commission, the members may adopt regulations. Said regulations shall not be inconsistent with the provisions of Chapter 97a, and may provide guidance to property owners in preparing an application for a certificate of appropriateness required in accordance with the provisions of sections 7-147d inclusive, of the CGS.

Said regulations shall be adopted, amended or repealed by a majority vote of the commission members only after at least one public hearing has been conducted to receive comments from the residents and property owners of the district. The hearing shall be conducted five to ten days after being legally noticed in a newspaper having a circulation within the said district.

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

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.

### 3. Implementation

This ordinance shall become effective February 20, 1992, and may be amended by the Board of Selectmen in accordance with the provisions of section 7-147c(c), and the town charter.

## B. Officers and Duties

### 1. Chairman

- a. The Chairman shall prepare the agenda, and preside at all meetings and hearings of the Commission;
- b. If a regular member is absent, or has a conflict of interest, the chairman shall designate an alternate to so act, choosing an alternate in the 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;
- c. Shall appoint committees;
- d. Shall appoint a Secretary in the absence of the elected Secretary;
- e. Shall file with the Connecticut Historical Commission and the Town Clerk of Southbury any publication of the Historic District Commission, the roster of the Commission's membership, and at least once every year a brief summary of the Commission's actions during that year, including a statement of the number and nature of Certificates of Appropriateness issued, and changes in the membership of the Commission, and any other information deemed appropriate by the Commission; and
- f. Shall be an ex officio member of all committees.

2. Vice Chairman

- a. The Vice Chairman shall act for the Chairman in the Chairman's absence and shall have the authority to perform duties prescribed for that office; and
- b. Shall maintain a monthly record of the Commission's expenditures on a fiscal year basis.

3. Secretary

- a. The Secretary shall keep the minutes, permanent record of its resolutions and the vote of each member participating and records of the Commission; and shall file minutes in the office of the Town Clerk in accordance with FOI requirements CGS 1-21;
- b. Shall provide written notice and agenda of all regularly scheduled meetings to all Commission members; a minimum of 5 days in advance and shall provide notice of special or emergency meetings in accordance with CGS 1-12;
- c. Shall arrange proper and legal advertisements of Public Hearings;
- d. Shall attend to the correspondence of the Commission; and
- e. Shall perform other duties as are normally carried out by a Secretary.

4. Alternates

- a. Alternates to the regular Commissioners shall be appointed on a rotating basis as possible so that they shall act as nearly an equal number of times as possible. When any alternate is not available in accordance with the rotation schedule, such fact shall be recorded in the minutes of the meeting;
- b. Alternate members shall, when seated, have powers and duties of a member of the Commission;
- c. Alternates may serve on any committees.

5. In the absence of the Chairman and Vice Chairman, the Commissioners present shall elect a Chairman pro tem.

C. Committees

Committees will be appointed and dissolved as needs and projects require. Membership will be at the discretion of the Commission and may include individuals that are not members or alternates of the Commission.

SECTION III MEETINGS AND PUBLIC HEARINGS

A Meetings Defined

There are three types of meetings other than Public hearings. The meetings consist of regular monthly meetings and special and emergency meetings. The special meetings are held to transact business on an exception basis or to permit the Commission to develop rules or procedures for the administration of the District or with respect to establishing guidelines for architectural renovations. All meetings are open to the public and are conducted in compliance with the Freedom of Information Act.

B. Schedule

1. Regular meetings are to be held at a date, time, and place according to a schedule established by the Commission and filed annually with the Town Clerk. The annual meeting for election of Officers shall be in February.
2. Special meetings are held on an as-needed basis. Meeting notices will be posted with the Town Clerk at least twenty-four (24) hours prior, stating time, place, and business to be transacted. No other business except that posted on the notice shall be considered at special meeting.
3. Emergency meetings may dispense with the notice requirements, but minutes explaining the nature of the emergency and the business transacted will be filed with the Town Clerk within seventy-two (72) hours.

C. Conduct of Meetings

1. Quorum shall consist of three (3) members of the Commission or their designated alternates for the transaction of all business either at meetings or Public Hearings.
2. No resolution or vote, except a vote to adjourn or to fix the time and place of the Commission's next meeting, shall be adopted by less than a majority vote. The Chairman shall have only one (1) vote.
3. Order of Business
  - a. Roll Call and Appointment of Alternates, if necessary
  - b. Public Hearing, if applicable
  - c. Reading and Approval of Minutes of Preceding Meeting
  - d. Public Audience
  - e. Unfinished Business
  - f. Report of Committees
  - g. New Business
  - h. Adjournment

D. Public Hearings

1. Frequency. Public Hearings shall be held:
  - a. Upon the receipt of an application for a Certificate of Appropriateness;
  - b. At the discretion of the Commission when significant questions or concerns arise relating to the administration of the District; or
  - c. To adopt the Rules of Procedure of the Commission.

2. Legal Notices
  - a. Legal notices will be sent to any newspaper with a general circulation in Southbury. Publication will occur once between the 15<sup>th</sup> and 5<sup>th</sup> day before the Public Hearing date. An additional copy of the notice will be posted in the Town Clerk's Office.
  - b. The legal notice will contain the purpose as well as the time, date, and place of the Hearing.
  - c. A copy of the legal notice will be mailed to the owner of record who is applying for the Certificate of Appropriateness.
  - d. Notice of Public Hearings shall be mailed to abutting landowners.
3. Conduct of Public Hearings concerning Certificate of Appropriateness.
  - a. Any individual may appear in person, or be represented by an agent or attorney, or submit a written communication.
  - b. Applications are heard in the order in which they are placed on file and as shown on the call for the Hearing.
  - c. In order to maintain procedural order and promote fairness, the following order has been adopted: (See page 11)
4. Evidence at Hearings
  - a. The proceedings for each application, in addition to the minutes taken by the Secretary, may also be recorded by a sound recording device.
  - b. Attachments to each application will be recorded by the Secretary as exhibits in numerical order. Additional material presented during the Public Hearing will be recorded in like manner.
5. Within not more than sixty-five (65) days after the filing of any application as required herein, the Commission shall pass upon such application and shall give written notice of its decision to the applicant by certified mail. When a Certificate of Appropriateness is denied, the

Commission shall place upon its records and in the notice of the applicant the reasons for its determination, which shall include the basis 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 General Statutes Section 7-147d, shall be by Certificate of Appropriateness issued by the Commission. Failure of the Commission to act within said sixty-five (65) days shall constitute approval, and no other evidence of approval shall be needed. The notice of the Commission's action shall be mailed within forty-eight (48) hours of the rendering of the Commission decision, exclusive of Saturdays, Sundays, and legal holidays. If the Commission approves the application, a Certificate of Appropriateness will be issued. Certificates will be valid for one year and work must commence during that time. Extension of a six-month period may be granted upon written request. Three (3) copies of the Certificate will be issued: one to the applicant, one to the Building Inspector, and one for the Commission's records.

6. Any person or persons severally or jointly aggrieved by a decision of the Commission or of any officer thereof may, within fifteen (15) days from the date when such decision was rendered, take an appeal to the Superior Court for the Judicial District of Waterbury in accordance with General Statutes Section 7-147i. 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 Secretary of the Commission within twelve (12) days before the return date to which such appeal has been taken.

RULES OF PROCEDURE FOR A PUBLIC HEARING CONCERNING  
A CERTIFICATE OF APPROPRIATENESS

1. Call to Order
2. The roll call will be read by the Chairman.
3. The Secretary shall read notice of the Public Hearing from the legal notices.
4. The Secretary shall read the rules for speaking:
  - a. Only one person may speak at a time.
  - b. Person must be recognized by Chair before he/she may speak.
  - c. Even Commissioners must be recognized by Chair in order to speak or question other speakers.
  - d. Each speaker other than a Commissioner must identify self by name and address.
  - e. If speaker is an expert or consultant, he/she must give his/her credentials as they apply to the case.
5. The applicant and its expert consultants shall give a detailed description of the application as well as present any supporting evidence such as blueprints, drawings, specifications as to materials, etc.
6. Upon completion of the presentation, the Commission shall have the opportunity to question the applicant and its consultants,
7. The Chairman will ask for supporting testimony or comments of interested parties.
8. The Commission shall then have the opportunity to question those in support of the application.
9. Upon the close of hearing supporting comments, the Chairman will ask for comments by those in opposition to the application.
10. The Commission will then have the opportunity to question those in opposition to the application.
11. Applicant (its agent) may briefly rebut objections raised.
12. Those in opposition may briefly comment if they have anything new to offer.
13. Determination is made if Hearing is to be closed, continued, or record kept open.

## SECTION IV ADMINISTRATIVE PROCEDURES

### A. Agenda

1. The Chairman shall be responsible for the compilation of the agenda.
2. The agenda and relevant resource material shall be distributed to Commissioners and interested parties no later than five (5) days prior to a regular meeting.
3. A copy of the agenda shall be submitted to the Town Clerk for posting in the Town Office not less than twenty-four (24) hours before the meeting.
4. The Commission may discuss items not listed on the agenda of a regular meeting upon the affirmative vote of at least two-thirds of those members present.
5. Any regular, alternate, non-voting member of the Commission or person may have a matter placed upon the agenda of a regular meeting after filing a request with the Chairman at least seven (7) days before the date of such a meeting.

### B. Minutes

1. Minutes of meetings of the Commission shall be taken by the Secretary.
2. Minutes and the record of the vote of each member will be available in the office of the Town Clerk for public inspection within the time period prescribed by the Freedom of Information Act.
3. Typed copies of the minutes may be sent to each Commissioner with the next meeting's agenda.
4. The Secretary has the option to use a recording device to assist in accuracy. Tapes shall be kept on file until the minutes of a meeting are approved or in the case of a public hearing, tape shall be held until the appeal period cited in CGS 7-147i has passed.
5. The Commission shall keep a permanent record of its resolutions, transactions and determinations, and of the vote of each member participation therein. These records shall be maintained by the Secretary of the Commission in the office of the Building Inspector and shall be filed with the Town Clerk in accordance with FOI requirements.

C. Regulation Enforcement

1. The Historic District Enforcement Officer will be the Town Building Inspector and/or the Zoning Enforcement Officer.
2. The Commission may take action to prevent the violation of any Rule of Procedure contained herein, or any Section of the applicable Connecticut State Statutes, specifically Section 7-147h.
3. Fines, costs, fees and expenses may be assessed at the discretion of the Superior Court in accordance with CGS 7-147h (b).

D. Conflict of Interest

All members shall conduct their activities in accordance with the provisions of any Code of Ethics Ordinance, or rules, of the Town of Southbury then in Effect.

E. Amendments and Revisions

1. Amendments and revisions to these Rules of Procedures will be sent in writing to each regular member and alternate at least ten (10) days in advance of the meeting at which it is proposed that they be considered and a Public Hearing will be conducted in accordance with Section III, D, 1, c and Section II, A, 2.
2. A majority vote of the Commission is required to adopt any revision or amendment.

## SECTION V CERTIFICATE OF APPROPRIATENESS

The Historic District Commission will hear and determine applications for a Certificate of Appropriateness in accordance with the provisions of the Connecticut General Statutes, Section 7-147a-k inclusive, as the same may be amended from time to time.

### A. Application Procedure

1. Application for a Certificate of Appropriateness, construction standards and other relevant data may be obtained from the office of the Building Inspector.
2. Application should as applicable be accompanied by a site plan, and drawings showing the nature of the work to be performed as well as by a list of materials to be used.
3. The Commission may request such plans, elevations, photographs, specification, materials, 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.
4. With respect to signs, the application should state style, materials, size, and location(s).
5. The completed application must be returned to an officer of the Commission. It will then be dated and numbered. The formal filing date is established by the Commission.
6. Completed applications will be reviewed at the next scheduled meeting of the Commission, provided applications are received ten (10) days in advance of that meeting and the date for the Public Hearing shall be determined. Applications received less than ten (10) days prior to the meeting will be carried over to the next meeting.
7. Please refer to Section III,D, "Meetings and Public Hearings", of this document for the Public Hearing procedure. Legal notice will also be sent to each applicant stating the date, time, and place of the Hearing for the application.
8. Fees: None

B. Standard for Determining Appropriateness

1. 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, aboveground utility structures, mechanical appurtenances, foundation reveal, and type and texture of building materials.
2. The Commission shall also consider, in addition to other pertinent factors, the historical and architectural value and significance, architectural style, scale general design, arrangement, texture, and materials of the architectural features involved and the relationship and compatibility features of other buildings and structures in the Historic District.

3. Parking Areas

a. 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 a Certificate of Appropriateness has been granted. This applies to creation new parking areas as well as enlargement or alteration of existing parking areas.

b. In deciding whether or not to grant such certificate, the Commission shall consider the size of a parking area, the visibility and appearance of vehicles parked therein, the closeness of the area to adjacent buildings, and other similar factors.

4. Variations

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 Historic District, the strict application of any provision of General Statutes Sections 7-147a-k inclusive, as the same may be amended from time to time, 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 of the Statutes 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 Statutory Sections. In addition to the filing required by Section III,D-5, of these regulations, the Commission shall, for each

variation granted, place upon its records and in the notice to the applicant the reasons for its determinations.

5. In general, the Commission will follow the recommendations defined in THE SECRETARY OF THE INTERIOR'S STANDARDS AND ILLUSTRATED GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS (GPO #024-005-01091-2), available for reference in the office of the Building Inspector.

C. Exempted Acts

Nothing in these Rules of Procedures shall:

1. Be construed to extend to the color of paint used on the exterior of any building or structure;
2. Prevent the ordinary maintenance or repair of any exterior architectural feature in the District which does not involve a change in the appearance or design thereof;
3. 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; or
4. 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 the establishment of the District.