

# COLEBROOK HISTORIC DISTRICT COMMISSION RULES OF PROCEDURE

(revised August 7, 2017)

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## **Section 1**      **GENERAL**

**1**      **PURPOSE** - the purpose of these regulations is to provide procedures and guidelines for the Colebrook Historic District Commission.

## **Section 2**      **ORGANIZATION OF THE COMMISSION**

The commission shall be organized in accordance with the applicable Statutes of the State of Connecticut (sec. 7 - 147c) and the enabling ordinance of the Town of Colebrook dated May 13, 1963.

**2.1**      **MEMBERSHIP** - The Commission shall consist of five (5) members and three (3) alternate members, all of whom shall be electors of the Town, holding no salaried town office. The members of the Commission shall be appointed by Town Meeting and the regular members shall be appointed in such a manner 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 (5) years. Alternates shall be appointed in like manner. Vacancies shall be filled for the unexpired term and in the same manner as the original appointment. At least one member or one alternate member shall be resident within the historic districts if one is available and able to serve. Any member or alternate member may be appointed for another term or terms.

**2.2**      **RESIGNATION** - Resignations from the Commission shall be in written form and transmitted to the Town Clerk who will forward a copy to the Chairman and First Selectman.

### **2.3**      **OFFICERS AND DUTIES**

**2.3.1** **CHAIRMAN** - The Chairman shall preside at all meetings of the Commission and shall have the following duties:

**2.3.1.1** Appoint alternates to fill a vacancy caused by the absence of a regular Commission member at a meeting.

**2.3.1.2** Appoint committees.

**2.3.1.3** Appoint a Clerk Pro Tem in the absence of the Clerk.

- 2.3.1.4 Set date for Special Meeting upon receipt of application.
- 2.3.1.5 Provide notice of all meetings to all Commission members (with the assistance of the Zoning Enforcement Officer as needed).
- 2.3.1.6 Arrange proper and legal notices of public hearings (with the assistance of the Zoning Enforcement Officer as needed).

**2.3.2 VICE CHAIRMAN** - The Vice Chairman shall act for the Chairman in his/her absence and shall have the authority to perform duties described for that office.

**2.3.3 CLERK** - The Clerk (or secretary under the supervision of the Clerk) shall (with the assistance of the Zoning Enforcement Officer as needed):

- 2.3.3.1 Keep the minutes and records of the Commission.
- 2.3.3.2 If requested by the Chairman, provide notice of all meetings to all Commission members.
- 2.3.3.3 If requested by the Chairman, arrange proper and legal notices of public hearings.
- 2.3.3.4 Attend to the correspondence of the Commission.
- 2.3.3.5 Maintain a monthly record of the Commission's expenditures on a fiscal year basis.
- 2.3.3.6 File with the Department of Economic and Community Development 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 number denied, any changes in the membership of the Commission, and any other information deemed appropriate by the Commission.

**2.4 COMMITTEES** - Committees of 2 or more people may be formed as needed. Meetings of committees whose members are sufficient for a quorum of the Commission shall be treated as Special Meetings and shall follow required rules for Special Meetings.

### **Section 3 ADMINISTRATIVE PROCEDURES**

**3.1 MINUTES** - Minutes shall be taken at each meeting of the Commission by the Clerk and shall be made available for public inspection. The record votes of each member participating in resolutions, transactions, or determinations shall be filed with the Town Clerk within 48 hours after the meeting. Minutes of Regular and Special Meetings shall be filed within seven (7) business days of the meeting. Minutes of Emergency Meetings shall be filed within 72 hours and the record of votes within 48 hours. As outlined in the *Notice of Meetings* document from the Freedom of Information Commission dated 9/27/2010.

**3.2 LEGAL NOTICES** - Legal notices shall contain, at a minimum, the purpose as well as the time, date, and place of the hearing. Notice shall be given in the form of a legal notice in a newspaper having a substantial circulation in the municipality not more than 15 days

nor less than 5 days before such hearing (excluding date of publication and date of meeting). An additional copy of the notice shall be posted in the Town Clerk Office.

**3.3 AGENDAS** – An agenda shall be set by the Chairman for each Regular and Special Meeting and prepared by the Zoning Enforcement Officer at the request of the Chairman. A copy of the agenda shall be posted with the Town Clerk and on the Colebrook Town’s website not less than 24 hours before any meeting

**3.4 REGULATION ENFORCEMENT** - The Commission shall take action to prevent the violation of any rule or procedure contained herein, or any section of the applicable Statutes of the State of Connecticut. Regulations and orders of the Commission shall be enforced by the Zoning Enforcement Officer and/or the Building Inspector, who shall require in writing the remedying of any condition that is found to be in violation. The Zoning Enforcement Officer and/or the Building Inspector may issue a Cease and Desist Order and/or a Stop-Work Order for any construction, alteration or demolition activities which are proceeding in violation of any Commission regulation or ruling. A Notice of Violation may be issued for any work which already has been completed in violation of the same. Any such order or notice shall state the general nature of the violation and shall order the property owner to appear before the Commission for its determination both as to the required remedial work and schedule for completion of the same.

If any provision of the Connecticut General Statutes ("C.G.S.") or any action taken by or ruling made by the Commission or any regulation or ordinance adopted under such C.G.S. has been violated, the Commission may, in addition to other remedies, institute an action in the Superior Court to restrain such violation and to issue orders that the violation be corrected or removed. Such action may require the demolition of any new structure erected in violation regulations or the substantial restoration of any building, structure or exterior architectural feature altered or demolished in violation of the same. The Superior Court may impose fines of not less than \$10 nor more than \$100 for each day that a violation continues. Where the violation is found to be willful, the fine shall not be less than \$100 nor more than \$200 for each day the violation continues. Any funds collected as fines shall be used by the Commission to restore the affected property to its condition prior to the violation whenever possible and any remaining amounts shall be accrued to the municipality. In addition, all costs, fees and expenses in connection with actions taken under this section may, in the discretion of the Superior Court, be assessed as damages against the violator.

**3.5 RULES OF PROCEDURE REVISIONS** - Revision to these rules and procedures shall be reviewed at a public hearing. A majority vote of the Commission is required prior to adoption or revision.

**3.6 CONFLICT OF INTEREST** - If for any reason a regular Commission member finds him/herself in conflict with a particular issue for personal or financial reasons, the individual shall abstain from any vote and discussion, and the Chairman shall appoint an alternate to vote in place of that member.

- 3.7 EXECUTIVE SESSIONS** - Executive sessions may be called only for purposes permitted by the C.G.S. and convened only by an affirmative vote of 2/3 of the members present and voting at the meeting.

## **Section 4 MEETINGS AND PUBLIC HEARINGS**

- 4.1 MEETINGS** - There are three types of meetings: Regular Meetings, Special Meetings, and Emergency Meetings. With the exception of Executive Sessions held per Section 3.7, meetings and Public Hearings are open to the public.

**4.1.1 REGULAR MEETING:** The Colebrook Historic District Commission Annual Meeting is a Regular Meeting and shall be held within 14 days after the Annual Meeting of the Town of Colebrook for the purpose of electing a Chairman, a Vice-Chairman, and a Clerk from among the newly appointed roster of Commission members; and for such other business as may come before the meeting. Notice of this Annual Meeting and such other forthcoming Regular Meetings shall be given to the Town Clerk by December 1st of each year and notice and agenda shall be posted in the Town Hall 24 hours prior to each meeting.

**4.1.2 SPECIAL MEETING:** Special Meetings are held on an as needed basis. Meeting notices shall be posted with the Town Clerk at least 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 Meetings.

**4.1.2.1** The Special Meeting may include preliminary hearings, or "pre-hearings" held at the discretion of the Commission. Such informal preliminary hearings would be held with a potential applicant to discuss a project in a general way and could identify potential problem areas and expedite the application process.

**4.1.3 EMERGENCY MEETING:** Emergency Meetings may be called by the Chairman or at the request of a member of the Commission.

**4.1.4 QUORUM** - A quorum shall consist of a majority of the voting members of the Commission for the transaction of all business, either at meetings or Public Hearings.

## **4.2 PUBLIC HEARINGS**

**4.2.1 FREQUENCY** - Public Hearings shall be held:

**4.2.1.1** Upon receipt of an application for a Certificate of Appropriateness.

**4.2.1.2** As outlined in the State Statutes governing creation of new historic districts.

**4.2.1.3** At the discretion of the Commission when significant concerns or questions arise relating to the administration of the district.

**4.2.1.4** To adopt or revise the Rules of Procedure of the Commission.

**4.2.2 LEGAL NOTICES** - notice of the time and place of a Public Hearing shall be given by publication the form of a legal advertisement in a newspaper having a substantial circulation in the municipality not more than fifteen days nor less than five days before such hearing.

**4.2.3 CONDUCT OF PUBLIC HEARINGS INVOLVING CERTIFICATE OF APPROPRIATENESS**

**4.2.3.1** Who may appear - The applicant may appear in person, by agent, or by attorney at the hearing. The application shall be signed by the applicant or his lawful agent: and if the application is proposed by a person, firm, or corporation other than the owner involved, the application shall also be signed by the owner or his lawful agent.

**4.2.3.2** Quorum - See 4.1.4 supra

**4.2.3.3** Order of hearing - Applications are heard in the order in which they are placed on file and as shown on the call for the hearing.

**4.2.3.3.1** The roll call shall be read by the Clerk.

**4.2.3.3.2** The Chairman shall give a statement of the application.

**4.2.3.3.3** The applicant shall give a detailed description of the application as well as present any supporting evidence such as blueprints, drawings, specifications as to materials, and other relevant evidence.

**4.2.3.3.4** Upon completion of the presentation, the Commission shall have the opportunity to question the applicant.

**4.2.3.3.5** After questions by the Commission, the Chairman shall ask for supporting testimony or comments of interested parties.

**4.2.3.3.6** The Commission shall then have the opportunity to question those in support of the application.

**4.2.3.3.7** Upon close of hearing supporting comments, the Chairman shall ask for comment by those in opposition to the application.

**4.2.3.3.8** The Commission shall then have the opportunity to question those in opposition to the application.

NOTE: To maintain an orderly process, each side shall proceed without interruption by the other. Each individual authorized to speak shall give his or her name and address prior to commenting on a particular issue.

**4.2.3.4** Continuation of public hearing - If the public hearing is commenced but not completed on the date scheduled and noticed, the public hearing may be continued to another date.

**4.2.3.5** Upon completion of the hearing, the Chairman shall close the hearing.

**4.2.4 EVIDENCE AT HEARINGS** - The Clerk shall keep minutes of the proceedings for each application. Attachments to each application shall be recorded by the Clerk as exhibits in numerical order. Additional material or correspondence presented to the Commission during the course of the hearing shall be recorded in like manner.

## **Section 5 CERTIFICATES OF APPROPRIATENESS**

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

As used above, "erected" means constructed, built, or installed; "altered" means changed, modified, rebuilt, reconstructed, or enlarged; "building" means a combination of materials forming a shelter for persons, animals, or property; and "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.

Exterior architectural features shall include such portion of the exterior structure as is open to view from a public street, way, or place.

The style, material, size, and location of outdoor advertising signs and bill posters within an historic district shall also be under the control of the Commission.

In addition, no area within an historic district shall be expanded 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 and approved by the Commission.

Ordinary maintenance or repair which does not involve a change in the appearance or design, or alterations required for the public safety under permit issued by the building inspector, are subject to the exemptions and requirements of section 147 of the Connecticut General Statutes.

If a building or structure is to be demolished, no demolition shall occur for 90 days from the issuance of a demolition permit if, during such time, the Commission or the Department of Economic and Community Development 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 estate taxes. At the conclusion of such 90-day period, the demolition permit shall become effective and the demolition may occur. Nothing in this paragraph shall be construed to mandate that the owner of such property sell such property, building, or structure.

### **5.1 APPLICATIONS**

#### **5.1.1 General - Applications for Certificate of Appropriateness may be obtained at the Town Hall or from the Chairman of the Commission.**

Applications should be accompanied by drawings, showing the nature of the work to be performed as well as a list of materials to be used. With respect to signs, the

application should state the size, material, and proposed location(s). The Commission may request a site plan in support of any application which concerns the erection of a new building or the extension or enlargement of an existing building. Such site plan shall be prepared by an engineer or licensed surveyor, showing the location and size of the property, the location of other buildings on the property, and the elevation of proposed construction.

The Commission shall take action on each application within 65 days of receipt, and failure to do so shall constitute approval.

### **5.1.2 PROCESSING**

**5.1.2.1** Completed applications shall be returned to the Chairman.

**5.1.2.2** Completed applications shall be heard at the earliest convenience of the Commission.

**5.1.2.3** A letter shall be sent to each applicant stating the date, time, and place of the public hearing at which his/her application will be heard.

**5.1.2.4** An informal preliminary hearing may be held prior to the public hearing.

## **5.2 STANDARDS FOR DETERMINING APPROPRIATENESS**

**5.2.1 BUILDINGS/STRUCTURES** - In determining appropriateness as to exterior features, the Commission shall consider, in addition to any other pertinent factors:

**5.2.1.1** Historical and architectural value

**5.2.1.2** Architectural style

**5.2.1.3** Scale

**5.2.1.4** General Design

**5.2.1.5** Arrangement

**5.2.1.6** Texture and material of the architectural features

**5.2.1.7** Type and style of exterior windows, doors, light fixtures, signs, Above ground utility structures, mechanical appurtenances, and type and texture of building materials.

**5.2.1.8** The relationship thereof to the exterior architectural style and pertinent features of other buildings and structures in the immediate neighborhood.

**5.2.2 PARKING AREAS** - The Commission shall consider the visibility of cars parked therein, the closeness of such areas to adjacent buildings, and other similar factors.

**5.2.3 VARIATIONS** - Where, by reason of topography or because of other unusual circumstances, strict adherence to the standard would 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.

**5.2.4 UTILIZATION OF RENEWABLE RESOURCES** - 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 Historic 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.

**5.3 ACTIONS BY THE COMMISSION** - The Commission, after its deliberations, shall act on each application by majority vote at Special Meeting, which will be held immediately upon the close of deliberations or at a subsequent date.

**5.3.1 APPROVAL** - If the Commission approves the application, a Certificate of Appropriateness shall be issued.

The Certificate may contain additional stipulations eg: verifying or identifying types of materials. A copy of the Certificate shall be mailed to the applicant. Additional copies, as well as copies of the application, shall be distributed to the Zoning Enforcement Officer and/or the Building Inspector to keep on file and to the Town Clerk, and a copy, along with the original application and attachments, shall be maintained in the Commission's file. Certificates shall be valid for a period of one year from the date of issue. Extensions of six-month periods may be granted upon request from the Certificate holder.

Approved Certificates, where the approved work has not been started or completed, shall be withdrawn upon transfer of property ownership. The Certificate shall be reinstated by the Commission without a public hearing based upon a written request from the new owner, provided no change in the nature of the new request is involved.

**5.3.2 DENIAL** - Certificate of Appropriateness may be denied by the Commission when, in the opinion of the Commission the issuance of such a Certificate would be detrimental to the interest of the Historic District. Written notice of the denial shall be sent by certified mail to the applicant, the Town Clerk, and the Zoning Enforcement Officer and/or the Building Inspector. The notice shall state the specific reason(s) for denying the application. This must be done within 48 hours of the rendering of such a decision, Saturdays, Sundays and legal holidays excluded.