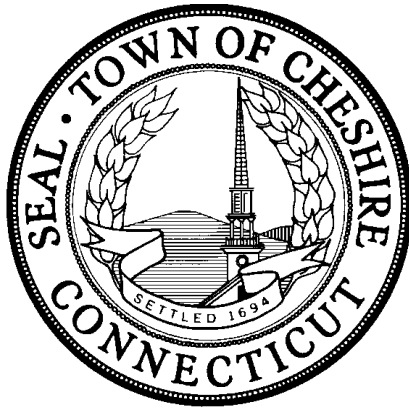


HISTORIC DISTRICT COMMISSION REGULATIONS

TOWN OF CHESHIRE, CONNECTICUT



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Section 5.2.1c. Repair, replacement, use of substitute materials
Section 5.2.5 Solar energy systems and other renewable resources
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Cheshire Historic District Commission Regulations

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1. DEFINITIONS

1.1 Abutters: All owners of property adjacent to that of the applicant, including property directly across any public or private street. If the applicant owns a corner property, the abutters shall also include owners of the property diagonally across any public or private street.

1.2 Alter: Change, modify, rebuild, remove, demolish, restore, raze, move or reconstruct.

1.3 Appropriate: Not incongruous with those aspects of the historic district that the Commission determines to be historically or architecturally significant.

1.4 Building: Any combination of materials forming a shelter for persons, animals, or property.

1.5 Certificate of Appropriateness: (COA): The authorization required before alterations may be made to character-defining features of a property, building an addition to an existing historic building or structure, constructing a new building in a historic district, moving, dismantling or demolition of a building or structure in whole or part, changes in certain parking areas, changes in historic settings, and installation of or changes in signs, lighting fixtures, and other site features.

1.6 Change of COA: Any modification of an approved COA which, if carried out, would result in a different form or appearance of the proposed work. Such changes would include, but not be limited to, the use of different materials from those specified in the approved COA, and changes in dimensions and/or location of character-defining features or site features.

1.7 Character-defining Features: Visual aspects and features that comprise the appearance of a historic building, such as the overall shape, proportions, nature and texture of materials including historic coatings or finishes, decorative and utilitarian details, as well as various aspects of the setting and site.

1.8 Commission: The Cheshire Historic District Commission

1.9 Contributing (Historic) Resources: Buildings, structures, objects, features and open spaces that add to the historic association, historic architectural quality, or archaeological values for which a property is significant because it was present during the period of significance, relates directly to the documented significance, and possesses historic integrity.

1.10 Deconstruction: the careful disassembling of a building or structure, saving materials for protection or reuse. Deconstruction is an alternative to demolition and landfilling and combines the salvage and recovery of building materials for creative reuse and recycling.

1.11 Demolition: intentional act of substantially pulling down, destroying, dismantling, defacing, removing or razing a building or structure, or commencing the work of a total, substantial, or partial destruction with the intent of completing the same, in a way that involves the destruction and wholesale dumping of materials as waste.

1.12 Design Criteria: Criteria relating to each district, which describe or define the history, period or style of the architectural features necessary to preserve the distinctive character of the buildings and places of each district.

1.13 Districts: The municipal historic districts designated as such by the local historic district ordinance and regulated by the Commission.

1.14 Elevations (Exterior Building Elevations): Scale drawings of the outside walls of a building or structure, including labeled and dimensioned features such as windows, doors, height and shape of the roof, and siding materials. Small elements must also be included – meters, utility boxes, vents, light fixtures and the like – if they are part of the proposed change.

1.15 Emergency: An event which causes sudden damage to one or more buildings or structures within a historic district, and is declared emergent by the Building Official or Fire Marshal; or which results in a condition which renders the building(s) or structure(s) unsafe or dangerous, or involves the safety of the buildings' inhabitants, or risk of damage to the exterior architectural elements.

1.16 Emergency Repair: Temporary work necessary to insure safety and/or prevent the destruction or dilapidation of buildings and or structures that are immediately threatened by, or have been damaged by, an emergency. Typical emergency repairs: covering windows/doors/holes in the roof with plywood, putting tarpaulins over breaks in a structure, putting up temporary supports; removing, marking and storing dangling or loose elements.

1.17 Erect: Construct, build, install, or enlarge a building or structure.

1.18 Exterior Architectural Features: Such portion of a building or structure as is open to view from a public street, way or place. If such portion is obscured in whole or part by seasonal (deciduous) foliage, but is more clearly seen in winter, it is considered open to view (visible).

1.19 Incongruous Alteration: A change that diminishes the character of a building or place in a historic district.

1.20 Lighting Fixture: Any lighting device located exterior to a building or structure, or intended to illuminate areas exterior to a building or structure, whether permanently or temporarily installed. Such devices include, but are not limited to, search lights, spotlights, flood lights, sign and architectural lighting, and lighting for parks, parking lots, driveways, walkways, and athletic and recreational facilities.

1.21 Minor Work: Work which has no significant effect on the character-defining features of a building or structure.

1.22 Municipality: Town of Cheshire, CT

1.23 Non-contributing (Non-historic) Resource: buildings, structures, objects, features, or open spaces that do not add to the historic architectural qualities or historic association of a district because they were not present during the period of significance, do not relate to the documented significance; or due to alteration, additions, and other changes no longer possess historic integrity.

1.24 Ordinary Maintenance: Work done to keep any exterior architectural feature intact or in its present state in such a way as the work does not change the feature's appearance in regard to size, design, color, texture, finishes, and other visual qualities. This definition of ordinary maintenance applies, whenever appropriate, to a building's site features as well as to the building and associated structures.

1.25 Ordinary repair: Work done on, or replacement in kind (exact replacement) of, any architectural feature which is broken, damaged or not in good working order in such a way as the work does not change the historic appearance of the feature, or, if replacement is necessary, the new feature will match the old in size, design, color, texture, finishes and material.

1.26 Place: Unifying, identifiable setting for the buildings and structures in an area, district, or neighborhood. The elements of place include the relationship of buildings or structures to one another, setbacks, fence or wall patterns, views, configuration of driveways and walkways, and prominent landscape features (such as hedges and street trees) together with the prevalent exterior architectural features of the buildings. The sum of these elements defines the distinctive character of each neighborhood or district, as set forth in Appendix D.

1.27 Preservation: Work which strives to retain all historic materials through conservation, maintenance and repair.

1.28 Public Street, Way or Place: Any street, road, avenue, path, area of land, easement or right of way owned and maintained by the Town or the State, and from which any part of a historic district is open to view.

Public Streets in the Cornwall Avenue-Town Center Historic District

- Horton Street
- Main Street
- Highland Avenue (Route 10)
- South Main Street (Route 10)
- Spring Street
- Bennett Avenue
- Academy Road
- Wallingford Road

Elm Street
Cornwall Avenue
Pine Terrace
Preston Terrace

Public Places in the Cornwall Avenue-Town Center Historic District

Town Hall Parking Lot
Humiston School Parking Lot (town-owned portion)
Cheshire Historical Society grounds
Town Parklet (adjacent to St. Peter's Church)

Public Streets in the South Brooksvale Historic District

South Brooksvale Road
Mount Sanford Road

1.29 Rehabilitation: the act or process of making possible a compatible use for a property through repair, alterations, or additions that preserve its historical, cultural, or architectural values.

1.30 Reconstruction: Re-creation of a non-surviving site, landscape, building, structure, or object in all new materials.

1.31 Restoration: Work which retains materials from the most significant time in a contributing resource's history, while permitting the removal of materials from other periods.

1.32 Sign: Any device however made, displayed, painted, supported, or attached, intended for the purpose of advertisement, attraction of attention, identification, publicity for or notice.

1.33 Site: The property surrounding a building or structure and contained within an individual lot.

1.34 Site Features: fences, driveways, lighting fixtures, parking areas, sculptures, signs, walkways, walls and other structures.

1.35 Site Plan: A plan of the applicant's lot drawn to scale that shows the location of all buildings and structures, proposed and existing, with their setbacks from the property lines and their distance from one other.

1.36 Structure: Any combination of materials, other than a building, which is affixed to the land (including heavy items affixed to the land partially or wholly by gravity) and shall include, but not be limited to signs, fences and walls.

1.37 Visible: open to view from a public street, way or place. A building or structure which is obscured in whole or part by seasonal (deciduous) foliage, but is more clearly seen in winter, is considered to be in the public view.

2. CERTIFICATES OF APPROPRIATENESS (COAs)

2.1 COAs AND OTHER TOWN PERMITS

2.1.1 Except as set forth in 2.3 of these Regulations, no building or structure shall be erected or altered 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.

2.1.2 A COA must be obtained from the Commission whether or not a building permit is required.

2.1.3 No building permit for the erection of a building or structure or for the alteration of any exterior architectural feature within the historic districts shall be issued by any department, agency or official of the Town of Cheshire until a Certificate of Appropriateness has been issued.

2.1.4 Obtaining a Certificate of Appropriateness does not relieve the property owner of the responsibility of obtaining any other required permits. Building Permits and other permits may be required even if the Commission determines that a Certificate of Appropriateness is not required.

2.1.5 A COA must be obtained BEFORE a demolition permit for the demolition or removal of a building or structure within the historic districts shall be issued by any department, agency or official of the Town of Cheshire, with the exception of matters of public safety and/or emergency, as stated in Sections 2. 5.1 and 2.5.2 below. In such cases, and if strict criteria are met, demolition may take place without a COA.

2.2 WORK THAT REQUIRES A COA

2.2.1 Erection, alteration, changes: A COA is required for erection of new buildings or structures, construction of additions to existing buildings or structures, remodeling or alterations or removal of regulated architectural features of buildings and structures, including changes in the historical materials, finishes, mechanical finishes, coatings (but not the color thereof) and/or patina on such features. Changes which involve the removal of modern features/materials so as to return to historic features/materials require a COA and adequate historic documentation for the change.

Non-contributing resources require a COA for such changes, but the application is reviewed less strictly, with the goal of insuring that the appearance will be compatible with the character of the historic district in scale, proportion, and setback.

2.2.2 Signs: A COA is required for changes in existing signs and installation of new signs. The commission's jurisdiction includes the style, material, size, lighting, and location of all outdoor signs in the historic districts.

2.2.3 Parking Areas: A COA is required before making any changes to existing parking areas (those in existence on October 1, 1973) or building new parking areas in the historic district. The Commission's jurisdiction extends to industrial, commercial, business, home industry and occupational parking, whether or not the area within an historic district is zoned for such use. The Commission shall consider the size of such parking area, the visibility of the cars parked in that area, the closeness of such area to adjacent buildings, and other relevant factors such as lighting or paving materials.

2.2.4 New Lighting Fixtures: A COA is required prior to the installation of any additional lighting fixtures to a new or existing building, structure, parking area, or sign. The Commission shall regulate all light fixtures in the historic districts in regard to design, materials, finish, size and location; direction of and intensity of emitted light.

2.2.5 Demolition: No permit for demolition or removal of a building or structure within the boundaries of a historic district shall be issued by a municipality or any department, agency, or official thereof until a Certificate of Appropriateness has been issued. If the building is to be demolished, no demolition may occur for ninety (90) days from the receipt of an application for a COA to demolish or remove a building or structure, provided that during this ninety (90) day period, the Commission is attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition or the State Historic Preservation Office notifies the Commission that it is attempting to find such purchaser.

2.2.5a. If the applicant is applying for a demolition permit with the intent to build on the site, a conceptual design of the proposed construction shall be submitted to the Commission at the time of the application for a COA for the demolition.

2.2.5b. The applicant shall provide a statement of the proposed condition and appearance of the property after such demolition or removal, including grading, seeding or other planting, to enable the commission to make a determination on the application.

2.2.5c. At the conclusion of the period the demolition permit shall become effective and the demolition may occur. Nothing in this section shall be construed to mandate that the owner of such property sell such property or building.

2.2.5d. If, following a public hearing which shall include the presentation of a conceptual design of any proposed building on the site, the Commission determines that it has no objection to the proposed demolition, the Commission may inform the applicant that it does not intend to take any action towards finding an alternative to demolition, in which case the ninety day delay is waived and the COA to demolish (with the following stipulations) is granted:

2.2.5d1. Before demolition begins, the owner will be encouraged to carefully dismantle (deconstruct) the building in order to salvage as much of the building as possible and cooperate with the Commission and other interested parties to salvage architectural and/or archeological materials and features.

2.2.5d2. During demolition the property owner shall ensure the safety and preservation of adjacent buildings, structures, site features, properties and historic resources such as stone walls, and where possible protect mature trees on the site from damage and from delayed damage such as loss of root area, or compaction of the soil by equipment.

2.2.5d3. After demolition (or deconstruction) the site shall be promptly cleared. If the site is to be vacant for more than 60 days, the owner shall re-seed or plant as soon as weather allows and then maintain the property in keeping with the appearance of the historic district.

2.2.6 Variances: Where it determines the strict application of these regulations would result in exceptional practical difficulty or undue hardship upon the owner of any specific parcel of land by reason of topographical conditions, district borderline situations or other unusual circumstances with respect to this property and not affecting generally the district in which it is located, the Commission may grant a variance. An applicant seeking a variance shall submit an Application Form as set forth in Appendix A. 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 sections. The Commission shall make decisions on variance applications in accordance with Section 6. of these Regulations.

2.2.6a. Where it is in the public interest to retain the neighborhood's historic appearance by making variances to normal zoning requirements, and where it is deemed that such variances will not adversely affect neighborhood properties, the Commission, upon the request of the applicant, may recommend to the Zoning Board of Appeals that such variance to standard setback requirements be granted.

2.3 WORK THAT IS EXEMPT FROM COMMISSION REVIEW

Certain activities that are undertaken in the historic districts are declared to be of such a nature that they are exempt from these Regulations. Specific activities considered exempt:

2.3.1 Ordinary Maintenance and/or Repair is any work which is done in order to prevent or correct deterioration and does not involve change in the feature's appearance in regard to size, design, color, texture, coatings and finishes, and other visual qualities, and material. Repainting a previously painted exterior surface, including the use of a different color of paint, is considered ordinary maintenance. "Permanent coatings" are not paints and their use requires a COA. (See the HDC Guidelines for more examples of Ordinary Maintenance, Repairs, and information about Permanent Coatings.)

2.3.2 Erection or alteration of any feature under a permit issued by a building inspector or similar agent prior to the effective date of establishment of such district.

2.3.3 Property owned by a nonprofit institution of higher education is exempt from these Regulations.

2.3.4 Interior arrangement or use shall not be considered by the Commission. However, the Commission may recommend adaptive reuse of any buildings or structures within the historic district compatible with the historic architectural aspects of the building.

2.3.4 Temporary signs, specifically real estate signs, political signs, signs advertising a tag sale or neighborhood event, or signs stating an opinion on some topic, and other like signs, which may remain in place until after the sale, election, or event has ended or the topical issue is resolved; Also permitted as temporary are signs placed during a renovation project, which advertise the work of a building contractor, painter, architect, roofer, etc. provided such signs are removed at the completion of the project.

2.3.6 Items not affixed to the land including lawn ornaments such as planters and benches; seasonal/holiday displays, and other such temporary displays; decorative banners and other decorative items; temporary structures which are put up in connection with official celebrations, charitable drives, holidays, and various neighborhood or community events. (Structures or outbuildings which are not affixed to the land but will remain in place for more than 90 days must be reviewed.)

2.3.7 Demolition or removal (of all or part of) a building or structure which the Building Inspector or Fire Marshal determines is required by public safety because of a condition that is either unsafe or dangerous due to irreparable deterioration or from sudden damage from a declared emergency such as a flood, tornado, earthquake, fire, or other unforeseen event.

If the Building Official or Fire Marshal determines that a building or structure in a local historic district poses a threat to persons or property, such official may order its demolition or removal without obtaining a Certificate of Appropriateness. This order shall not be given unless (1) there is an extreme and immediate threat to public safety resulting from unsafe structural conditions; and (2) the unsafe condition cannot be abated by shoring, stabilizing, or securing the building or structure.

The Commission and its Enforcement Officer shall be given prior notice of this order if practical, or not more than 48 hours thereafter.

Whenever possible, the demolition of the buildings/structures and subsequent maintenance of the vacant lot shall be carried out in a responsible manner, as described in Section **2.2.5d1**, **2.2.5d2**, and **2.2.5d3** above.

A COA is required for any proposed new construction on the demolition site.

2.3.8 Work that is not visible from a public street, way or place. If visibility is questionable, determination of visibility should be made prior to filing an application for a COA. A building or structure, which is hidden by landscaping, is considered to be open to view if it would be visible without such landscaping.

2.4 WORK THAT REQUIRES a BRIEF REVIEW at a REGULAR MEETING

2.4.1 Minor Work: Work (such as small changes to buildings and/or site features), usually limited in scope, that does not have a significant impact on the character-defining features of a historic building or site is reviewed at a regular meeting on a case by case basis. After deliberation, the Commission votes either to approve the work as minor, or if further review is required, to set up a public hearing for that purpose.

2.5 WORK THAT IS TEMPORARILY EXEMPT FROM A COA

2.5.1 Repairs Needed Because of an Emergency

Nothing in these regulations is intended to prevent building owners or their agents or the Building Official or Fire Marshal from making emergency repairs when a building or structure in the historic districts requires immediate repair or stabilization in order to protect the building or structure, its contents, its inhabitants, or the public. The person who makes the repairs must notify the Commission within 48 hours of making such repairs. (See also **2.5.3** below.)

2.5.2 Repairs Needed Because of Deterioration If a Building Official or Fire Marshal determines that a building or structure is unsafe or dangerous due to deterioration, the official may order immediate correction of the condition; or if the building owner on his own becomes aware of an unsafe or dangerous

condition due to deterioration, the building owner or his agent may do work reasonably necessary to correct the condition without a COA. (See **2.5.3** below.)

2.5.3 If the corrective work done as described in 2.5.1 and 2.5.2 above, is intended to be permanent or is to be replaced by permanent work, the building owner or his agent must apply for a COA within 45 days of the initiation of the temporary repairs. The Commission action thereon shall supersede the emergency exemption.

3. APPLICATIONS FOR COAs

3.1 Application Procedures, Pre-Application Meeting:

The Pre-Application Meeting is an informal session held by the Historic District Commission with an applicant, prior to submission of a formal application. It is the primary goal of the Pre-Application Meeting to engage in dialogue and to gauge the Commission's stance on appropriateness. If the applicant has already engaged the services of an architect and/or contractor, he/she is encouraged to attend as well. This preliminary review process is held prior to the submission of any formal application materials, though the applicant is asked to bring any available materials, which might be pertinent. The Pre-Application Meeting does NOT begin the statutorily defined 65-day time period for consideration of an application, as no application is submitted at this stage. It is also suggested that before requesting a Pre-Application Meeting, the applicant review both the application procedures and design guidelines. The Pre-Application Meeting is entirely optional but is encouraged by the Historic District Commission as a means to expedite the ultimate application review process for both the applicant and the Commission. Pre-Application Meetings are held during the Commission's regularly scheduled monthly meeting, though in exceptional instances a special meeting may be scheduled. A Pre-Application Meeting should be scheduled in advance through the Planning Office. Note that the Commission can make no final decisions during this pre-application review process, except to determine that a formal application is not in fact required for a particular project.

The Pre-Application Meeting may include the following:

1. Discussion of proposed scope of work.
2. Review of preliminary plans, specifications, and/or photos, if available.
3. Determination if Certificate of Appropriateness is required.
4. Clarification of application procedures.
5. Identification of additional materials necessary for submittal.
6. Advice on matters of appropriate design.
7. Suggestion of resources for consultation by applicant.

3.2 Application forms: Any person requesting action by the Commission shall apply on the official forms adopted by the Commission for such purposes, (See Appendix A.) which forms are available in the Planning Department and online at the town website.

Completed applications shall be filed in the Commission's office where they will be date stamped by an authorized staff person.

3.3 Public hearing required: All applications for a COA or a Variance require a public hearing.

3.4 Fees

3.4.1 Fees are to be set by local ordinance.

3.5 Required materials for the COA application Three (3) copies of the application form, including the attached required materials, shall be submitted. See Appendix A. for a list of required materials.

3.6 Withdrawal of COA applications

3.6.1 Withdrawal can be made any time until the Commission begins its vote on the motion to decide the application.

3.6.2 A written notice of withdrawal shall be addressed to the Commission and put on file at the planning office or at a meeting of the commission

3.6.3 An oral withdrawal shall be effective only if made at the meeting at which the Commission is considering the application. The oral withdrawal shall be noted in the minutes and the applicant shall supply written notice of that withdrawal in a letter to the Commission filed at the planning office within 7 days of that meeting. Failure to do so shall not render the oral withdrawal void.

3.7 COAs, length in force, extensions COAs remain in force for two years from the date of approval. If an extension is needed, an application to extend the expiration date must be submitted sixty days before the two-year period is up and approved before work may resume after the two-year period. The Commission may grant an application to extend the expiration date of a previously issued COA unless the Commission finds that there has been a substantial change in circumstances which require a new COA application or if an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued.

3.8 Changes in plans, penalties for proceeding with a changed plan Any proposed modification of an approved Certificate of Appropriateness shall be submitted to the Commission for approval prior to any work being done not in accord with the approved COA. The Commission may approve a modified COA without a public hearing unless it determines such proposed modifications to be a substantial and material change to the approved COA in which event it shall call a public hearing prior to activity on the proposed application for a modification. Proceeding on a project which deviates from an approved plan, constitutes a violation of these regulations and the approved COA, and is subject to a civil penalty and other enforcement options.

4. HEARINGS and PUBLIC NOTICE

4.1 Hearings required for COA: The Commission shall hold a public hearing on all applications for a Certificate of Appropriateness unless the Commission determines that such application involves items which are exempt from Commission approval.

4.2 Scheduling hearings: The Commission shall fix a reasonable time and place for such hearing.

4.2 Giving public notice: The Commission shall cause notice of each public hearing to be held, to be published in a newspaper having a general and substantial circulation in the Town, not more than fifteen (15) days, nor fewer than five (5) days before the hearing. The notice shall state the date, time, and place of the public hearing, the purpose of the hearing, including a reference to any material available for public inspection; and any additional information that is necessary to fairly inform those affected by the requested action. Notice of the public hearing shall also be sent to the applicant by certified mail not fewer than ten (10) days before the date of the hearing.

4.4 Notifying abutters: Upon the scheduling of a public hearing by the Commission, the applicant shall send by postage prepaid letter or postcard a copy of the legal notice of this hearing, to all abutting property owners as reflected in the current Grand List at least seven (7) days in advance of the public hearing. The mailing shall contain the text of the public hearing notice and shall specify the date, time and place of the public hearing. The applicant shall then file with the Commission prior to the public hearing, an affidavit (notarized letter) confirming that the notice was mailed and to whom, listing names, property addresses, and mailing addresses (if different from property addresses).

5. DETERMINATION OF APPROPRIATENESS

5.1 Deliberations: In its deliberations on what constitutes appropriateness, the Commission shall act only for the purpose of controlling the erection, alteration or demolition of buildings or structures, and installation or alteration of signs and parking areas that are incongruous with the historic or architectural aspects of the district.

5.1.1 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, above-ground utility structures, mechanical appurtenances and the type and texture of building materials.

5.1.2 In passing upon appropriateness as to exterior architectural features the commission shall also consider, in addition to any other pertinent factors, the historical value and significance, architectural style, scale, general design, arrangement, type of building materials of the architectural features involved, their relationship to the architectural style and pertinent features of other buildings and structures in the neighborhood. (See

Appendix D. Distinctive Characteristics of Each District and/or Neighborhood) If the Commission determines, after deliberation, that the proposed activity described in the COA application is appropriate, it shall issue a COA.

5.2 Design Criteria

5.2.1 For existing buildings and structures

5.2.1a. Architectural characteristics: The existing dimensions and proportions of any character-defining architectural feature shall be preserved whenever possible. Permitted changes should be confined to those that would reverse inappropriate changes already in place. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall be avoided.

5.2.1b. Ornamental features: All historic ornamental features, no matter how small, shall be preserved, restored, and/or precisely replaced with exact replicas, preservation of originals being the more preferable choice. Ornamental features, in general, are not to be supplemented except to replace originals that were lost previously.

5.2.1c.¹ Repair, replacement, use of substitute materials: Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved. If deteriorated they should be repaired; if the commission determines that repair is not possible, regardless of cost, then the features should be replaced with new features matching the old in size, design, color, texture, coatings and finishes, and other visual qualities, and where possible, materials. If it is not feasible to use the original materials, then replacement with substitute materials approved by the Commission may be allowed. The inability to repair features and the replacement of missing features must be clearly substantiated by documentary, physical, pictorial evidence, or testimony by a qualified individual or individuals.

5.2.2 For New Construction

5.2.2a. Free standing building on an empty lot: Construction shall be consistent with the scale of the surrounding structures in terms of building height, width, proportion of height to width, proportion of wall area to door and window openings, rooflines, size of overhangs, setbacks where permitted, and other dominant features. New construction shall be compatible with surrounding buildings as to form, texture, scale and character. An appropriate design shall include as many site features from Appendix D. as feasible.

¹ Amended 6/05/17; Effective 6/29/17

5.2.2b. Outbuildings and other structures: Construction shall be harmonious with the scale of the main building (s), and in general not larger than the original structure (s). Existing garages, barns, and sheds should be kept in good condition, repaired if at all possible, and elements replaced in kind when repair is not possible.

5.2.2c. Additions Proposed additions shall leave the existing form of the building as the primary form, shall not destroy any significant features of the original building, and shall show visual compatibility with the original structure by the use of similar forms, proportions, materials and features.

5.2.3 Stipulations or conditions on all new construction: approval of an application for a COA may contain the following stipulations or conditions:

5.2.3a. Before construction begins, the owner shall work with the Commission and other interested parties to salvage any archeological materials and features on the site.

5.2.3b. During construction the property owner shall ensure the safety of adjacent buildings, structures, site features, and historic resources such as stone walls, and where possible protect mature trees on the site from damage and from delayed damage such as loss of root area, or compaction of the soil by equipment.

5.2.4 Other construction permitted: Reconstruction of a dismantled historic building, moving a historic building, and the replication of a historic building may also be permissible in the historic districts if the proposed work meets the specified design criteria and standards for new construction. Such work will require a COA.

5.2.5² Solar energy systems and other 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 District. A Certificate of Appropriateness for such a feature may include stipulations requiring design modifications and limitations on the location of the feature that do not significantly impair its effectiveness. Such stipulations may include, but are not limited to:

1. Alternatives to the primary elevation;
2. Panels placed at parallel plane with roof structure; and
3. Panels at maximum height of 4' when mounted.

5.2.6 Parking: In determining appropriateness as to parking, the Commission shall consider the size of such parking area, the visibility of the cars parked in that

² Amended 6/05/17; Effective 6/29/17

area, the closeness of such area to adjacent buildings, and other relevant factors such as lighting.

5.2.7 Lighting The Commission shall regulate all lighting fixtures in the historic districts in regard to design, materials, finish, size and location; direction of and intensity of emitted light. Applications requiring other permits may be required to meet additional standards set forth in the town's lighting and/or safety codes.

5.2.7a. Residential

Historic lighting fixtures should be maintained and repaired as needed. If replacement is necessary, the replacement fixtures should resemble the old fixtures as closely as possible; period fixtures of a different appearance may be used if documentation for them exists. If new fixtures are used as replacements for, or in addition to existing fixtures, the new lighting should be shielded, of low intensity, and simple in character. Lighting for walkways or driveways should be low, casting light only on the surface. Residential security lights will be considered on a case-by-case basis. Lighting for home business parking areas will be considered on a case-by-case basis, according to the standards set forth in this section.

5.2.7b. Sidewalks/Walkways, Commercial/Industrial buildings, Regulated parking lots

Lighting fixtures for walkways and commercial parking areas within the historic districts must be harmonious in design, scale, and materials with the character of the historic district or portion thereof where such fixtures are located. No mercury vapor lights shall be used. Existing historic lighting fixtures in public areas may be retained and used with low wattage bulbs or gaslights along with a contemporary lighting system which meets code requirements.

5.2.7c. Lighting for public buildings and their parking areas will be considered on a case-by-case basis, according to the standards set forth in this section.

5.2.8 Signs: Artistic, graphic or handcrafted identification signs are appropriate. If window lettering is used for signage, it must be etched or painted lettering. The size and style of such lettering should be visually compatible with the structure itself as well as with surrounding buildings.

5.2.9 References for Research: In its deliberations and decision-making on what constitutes appropriate change, the Commission may consult the following, all of which are available at the Town Planning Office:

5.2.9a. *Cheshire Historic District Study Committee's Preliminary Report* (December 2003) which consists of detailed photographic and written

descriptions of all HD buildings, outbuildings, and settings thereof, including their architectural and historical significance.

5.2.9b. *Historic District Commission Catalog of Historic District Properties* (March 2005), a photographic record of architectural features.

5.2.9c. *Historic Resource Survey of the Town Center Area of Cheshire Connecticut*. 1986. Town of Cheshire and Connecticut Historical Commission. Updated by the Cheshire HDC, 2008.

Notes: Funded by the Department of the Interior, National Park Service, through the Connecticut Historical Commission, under provisions of the National Historic Preservation Act. With additional funding from the town of Cheshire, CT. Survey Director for this project was Matthew Roth, who did the fieldwork, photography, and historical research, assisted by Bruce Clouette and Nancy Chernock; together with Robert Griffith who performed the map work; all of whom worked for Historic Resource Consultants of Hartford, CT.

5.2.9d. *United States Department of the Interior: "Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings."*

5.2.9e. *Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings*. (See Appendix E.)

6. DECISIONS

6.1 Number of votes needed In order to issue a Certificate of Appropriateness, the Commission must have a concurring vote of not less than three (3) of the Commission members or alternates seated as members.

6.2 Deadlines for making decisions: Decisions for a Certificate of Appropriateness must be rendered within sixty-five (65) days after the filing of an application with the Commission. Failure on the part of the Commission to act within the sixty-five (65) day period shall constitute an approval and no other evidence of approval shall be needed.

6.3 Written notice of decision: When the Commission acts upon an application, it shall submit written notice of its decision to the applicant. Should the Commission deny the Certificate of Appropriateness, the reasons for the denial - including the basis for its conclusion that the proposed activity would not be appropriate - shall be placed upon the Commission's records and included in the notice sent to the applicant. The notice to the applicant, particularly in regard to new construction, may also include recommendations relating to architectural style, scale, general design, arrangement, type of building materials, of architectural features involved and their relationship to pertinent features of other buildings and structures in the neighborhood. The recommendations may also pertain to size, design, texture, coatings and finishes, materials and other similar qualities.

The Commission is empowered with the authority to issue a Certificate of Appropriateness with stipulations or conditions on all those same qualities and features mentioned above.

6.4 Appeals of decisions can be made to the superior court within fifteen days from the date when the decision was made, in accordance with details stated in Connecticut General Statute 7-147i.

7. ENFORCEMENT

The Zoning Enforcement Officer and/or the Building Official, or their respective designees, as may be appropriate, are designated to be the Enforcement Officers of the Historic District Regulations pursuant to the authority granted in these regulations and Section 7-147h of the General Statutes. The powers and duties of the Enforcement Officers shall be as prescribed by state statute and local ordinance, and in addition to those delegated by the Commission. If any provision of these regulations has been violated, the Commission and/or its duly authorized agent may, in addition to any other remedies, institute an action in the Superior Court as provided by the Connecticut General Statutes which said court shall have jurisdiction to restrain such violation and to issue orders directing that the violation be corrected or removed. Any fines and other costs, fees, and expenses imposed by the courts will be in accordance with Section 7-147h (b) of the Connecticut General Statutes.

8. AMENDMENTS

8.1 These Regulations may be amended or repealed in a manner provided by the Cheshire Historic District Ordinance Section 2-83 at the initiation of the Commission.

8.2 Owners of property located in the historic districts may propose in writing amendments to these regulations not inconsistent with the laws of the Town of Cheshire, State of Connecticut or the United State Constitution. The Commission in its sole discretion shall determine whether to initiate any such proposal in whole or in part as an amendment to these regulations.

8.3 All proposed amendments shall be considered at a public hearing. Notice of the time and place of such hearing shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the Town not more than fifteen (15) days nor less than five (5) days before such hearing. A copy of the proposed regulation or amendment thereto shall be filed in the Town Clerk's office and the Commission's office not less than ten (10) days before the hearing and the notice of hearing shall so state.

8.4 The adoption of such regulations, or amendments thereto, shall require the concurring vote of not less than (3) members of the Commission, or alternates seated as members.

9. SEPARABILITY

If any section, subsection, paragraph, sentence, clause or provision of these Regulations shall be adjudged invalid, such adjudication shall apply only to the section, subsection, paragraph, sentence, clause or provision so adjudged invalid and the remainder of these Regulations as they shall now or hereafter exist, shall be deemed to be valid and effective.

10. EFFECTIVE DATE

These Regulations shall become effective on the 21st day following the public notice of its passage by vote of the Commission, providing a copy of the adopted Regulations shall have been filed in the office of the Town Clerk and a public notice of the Commission's decision shall have been published in a newspaper having a substantial circulation in the municipality, and a public hearing having been held prior to the Commission's vote.

Revisions to these regulations adopted by the Commission shall become effective by following the same procedures and schedule as stated above.

APPENDIX A. Application Form: COA and Variance

TOWN OF CHESHIRE

Historic District Commission
Planning Department, Town Hall
84 South Main Street
Cheshire, CT 06410

Date received: _____ Fee Paid: _____
Hearing Date: _____
Certificate #: _____ Expiration Date: _____
Monitor: _____
Pre-application review: Yes No

Please read instructions on reverse before signing the form.

APPLICATION FOR:

- A. CERTIFICATE OF APPROPRIATENESS, for work described below and/or**
- B. VARIANCE because of unusual site conditions**

Type of project (check all that apply)

Construction

- New Building Addition to Building Major building restoration, rehabilitation
- Minor Work on a building or structure

Site changes

- Parking area (s), driveway (s) or walkway (s) Minor site changes (see list)
- Fence (s) or wall (s) Sign (s) Mechanical system (s)
- Non-temporary site feature (s): satellite dishes, pools, lighting fixtures, arbors, etc.

Demolition or relocation

- Primary building Outbuilding Site Feature

Variance Describe hardship (topographical conditions or particular problems with your lot)

- bedrock formation narrow setback mine cave-in
- underground utility or sewer lines other _____

General Information

Property Address _____
Historic District: CA-TC SB _____
Owner(s) Name: _____
Owner's Address _____
Owner's Phone _____ Email _____

Applicant (if not owner) _____
Applicant's Address _____
Applicant's Phone _____ Email _____
Applicant's Relationship to Owner _____

Contractor's Name _____ Phone _____

Architect's Name _____ Phone _____

Dates of Anticipated Work: Start _____ Completion _____

Brief Description of Proposed Work:

Attach additional pages as necessary. (Additional sheets on letterhead are supplied on request.)
Please include a description of how the proposed work (if a change or addition) is historically and architecturally compatible with the building and the Historic District as a whole.

The Required Materials are attached: (see list on the back of this page)

I have read the attached instructions and to the best of my knowledge, the information contained in this application is accurate and complete. I also give permission for members of the Cheshire Historic District Commission to access the property for the purpose of reviewing this application and work done under any certificate issued to me.

Owner's or Applicant's Signature (s): _____ Date: _____

APPLICATION

Requirements: Applications must include materials listed below to be considered complete. A \$25.00 dollar processing fee is required upon submission (made out to "Collector, Town of Cheshire"). Incomplete applications will not be reviewed.

Deadline: Applications are due at Town Hall ten (10) days prior to a regular HDC meeting. The HDC ordinarily meets on the first Mondays at 7:30 PM and, in some months, on the third Monday as well. In case of a Monday holiday, the meeting will usually be held on the following day (Tuesday) at 7:30 PM. **Please call the Planning Office 271-6670 to verify the meeting dates.**

Representation: Applicants or a representative **must** attend the COA or Variance public hearing

Changes: Work must be completed as presented and approved. If modifications become necessary, such changes must be presented to and approved by the HDC prior to beginning work on any aspect of said modification.

REQUIRED MATERIALS: Three copies of the following materials should be attached to three copies of the COA application form.

New Buildings and Additions

- Description of project
- Photographs of proposed site/setting
- Site plan, 1"=20'
- Exterior building elevations
- Floor plan
- Description of materials (**If using non-original materials, please supply samples, brochures, websites, locations where material is in use**)

Major Restoration, Rehabilitation

- Description of project
- Photographs of existing building & setting
- Exterior building elevations
- Description of materials (see New Buildings above)

Minor Exterior Changes to Buildings or Sites

- Description of project
- Photograph of building or site (portion)
- Description or sample of materials

Demolition or Removal of Building/Structure

- Description of proposed project
- Site plan showing trees, fences, paths
- photographs of adjacent buildings and setting, and of all sides of building to be demolished
- Sketch of, and description of, what the site will look like after demolition or moving, if no building is proposed

- If new building is proposed, follow procedures for New Buildings and Additions as stated above

Site changes: parking, drives, and walks

- Site plan
- Description of materials
- Photographs of site and larger neighborhood context

Site changes: fences, walls, and other site features

- Site plan
- Architectural elevations or sketches
- Description of materials
- Photographs of site

Site change: signs

- Site plan or sketch of site (for free-standing signs)
- Architectural elevation or sketch (for signs located on the building)
- Description of materials, design, type, styles, etc.
- Description of illumination

Variance

- Site plan showing location (s) of problem (s)

The HDC uses its Regulations to make informed decisions. Copies of the Regulations are available free of charge at the Planning Department.

Decisions on projects requiring a COA, follow the public hearing which is held approximately two weeks after the application has been received by the HDC at a regular meeting. **All decisions must be made within 65 days of receipt of the complete application.**

APPENDIX B. MATERIALS REQUIRED FOR COA APPLICATION

New Buildings and Additions

- Description of project
- Map
- Color photographs of existing building and its setting
- Assessor's map showing lot # and abutting lot #'s; indicate building on site plan drawn to the scale of 1 inch = 20ft
- Exterior building elevations
- Floor plan
- Descriptive brochures and samples of proposed materials
- Locations identified where materials are in place on other buildings
- List of pertinent websites (of manufacturers, etc.)
- Historic photographs, if pertinent to a proposed addition
- GIS Map of district, if available
- Such other information as may be required by the Commission

Major Restoration, Rehabilitation

- Description of project
- Assessor's map showing lot # and abutting lot #'s; indicate building(s) on map
- Color photographs of existing building and its setting
- Exterior building elevations
- Descriptive brochures and/or samples of proposed materials
- Locations identified where materials are in place on other buildings
- List of pertinent websites (of manufacturers, etc.)
- Historic photographs, if pertinent to the proposed work
- GIS map of district, if available
- Such other information as may be required by the Commission

Minor Changes to Building or Site

- Description of project
- Color photograph of building or site (portion thereof)
- Descriptions of materials (samples or brochures)

Site Changes: parking areas, drives, and walks

- Description of project including accommodations for drainage and landscaping
- Description of proposed materials, including photographs, brochures, and/or samples
- Color photographs of site and its larger neighborhood context

Site Changes: fences, walls, and other site features

- Site plan drawn to the scale 1 inch = 20 feet
- Architectural elevations
- Descriptions of proposed materials, including photographs, brochures, and/or samples
- Color photographs of site and its larger neighborhood context
- Topographical Map

Site Changes: signs

- Photograph of building and its neighboring buildings along the street (streetscape)
- Photograph of building and its neighboring buildings along the street (streetscape)
- Architectural elevation of proposed sign and mounting, including building when building-mounted
- Site plan showing sign in its proposed location, when sign is freestanding
- Description of materials and illuminations including literature about or pictures of the proposed lighting fixtures
- Description of proposed materials, including photographs, brochures, and/or samples
- Details and specifications for proposed brackets/hangers or other supports

Demolition or Removal of Buildings

- Site plan: include location of trees larger than 4" diameter at 4' from ground, and site features such as fences, walls, walkways, etc.
- Color photographs of all sides of the building to be demolished
- Color photographs of the building with adjacent buildings and setting
- Sketch of, and description of, what the site will look like after the demolition or removal, if no building is proposed
- If new building is proposed, follow procedures for New Buildings and Additions as stated above.

APPENDIX C. FEE SCHEDULES FOR APPLICATIONS

It is anticipated that the Town Council will fix a fee schedule by ordinance.

APPENDIX D. Distinctive Characteristics of Each Historic District and/or Neighborhood
(These are the predominating elements of buildings and places.)

Cornwall Avenue-Town Center District

Cornwall Avenue, Main St, S. Main St, Church Dr, Academy Rd, Wallingford Road, Highland Avenue

UNIFYING CHARACTERISTIC of THIS DISTRICT

Domestic Architecture:

- Built as residences, 18th, 19th and early 20th century
- Two or three stories tall
- Front doors facing street
- Ornamentation of front doorway
- Windows with divided lights
- Walkways to front door
- Wood clapboard siding
- Stone foundations
- Chimneys
- Planted setback areas
- Outbuildings at rear
- Sidewalks
- Parking at rear

Cornwall Avenue/Preston Terrace Neighborhood

(Part of the Cornwall Avenue-Town Center Historic District)

DISTINCTIVE CHARACTERISTICS: BUILDINGS AND PLACES

Residential Buildings, Single-family; Early 20th century architecture:

- Front and side porches
- Ornamentation of front doorway
- Windows with divided lights
- Stone foundations (quarried brownstone)
- Chimneys
- (Rooflines and other style elements vary from house to adjacent house)
- Front doors facing the street
- Outbuildings in rear

Places (Setting):

- Even setbacks from street
- Front walkways (sidewalk to front door)
- Side Driveways leading to rear detached garages
- Continuous (unfenced) front lawns
- Planting strips between sidewalk & street (north side; canopy trees)
- Mature trees (both sides)
- Sidewalks (north side)
- Road width, narrow enough to cross fairly easily on foot
- Night lighting level: Medium (streetlights, some all- night lighting at doorways)

Town Center Area: Main St, South Main St, Academy Road
(in the Cornwall Avenue-Town Center Historic District)

DISTINCTIVE CHARACTERISTICS: BUILDINGS AND PLACES

Buildings, mixture of public, religious, educational, and residential:

- National Register designation (as part of a district), on National Register of Historic Places
- Notable architecture (Clouette and Roth survey)
- Historical significance (Clouette and Roth survey)
- Domestic Architecture Predominates: 18th and 19th Century Homes
- Two or three stories in height
- Front doors facing street
- Wood clapboard siding
- Outbuildings at rear

Places (Setting):

- Planted setback areas
- Walkways to front door
- Sidewalks
- Parking at rear of buildings
- Night lighting level: High (street lights, commercial interiors, parking lots)

South Brooksvale Historic District

South Brooksvale Road and one home on Mount Sanford Road

DISTINCTIVE CHARACTERISTICS: BUILDINGS AND PLACES

Buildings, residential, 18th and 19th century:

- Houses vary in architectural style and in size
- Natural building materials: wood, rubble stone, cut brownstone
- Outbuildings at rear
- Front doors face the street
- Ornamentation of front doorway
- Windows with divided lights

Places (Setting): The rural character of this district is conveyed by its setting.

- Open space (50+ acres): hayfields, bounded by low stone walls (cherished view from public road)
 - woods, wet meadow, brook/waterfall
- Stone bridge, stone walls, stone gateposts (some with light fixtures in them)
- Road width and configuration
- Mature Trees both sides
- Deep Setbacks
- Large spaces between homes
- Side Driveways, detached garages
- No fencing (stone walls delineate front boundaries and hayfields)
- No sidewalk.
- Night lighting level: Low (little all-night lighting)

APPENDIX E. SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION OF HISTORIC BUILDINGS

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive material, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, material.* Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work shall be differentiated from the old and integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in a such manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

*Because exact repair or replacement is not always technically or economically feasible, the Commission may consider the limited use of a compatible substitute material, if the size, design, color, texture, coatings, and finishes, as well as the substitute material itself, convey the same visual appearance as the historic materials.