

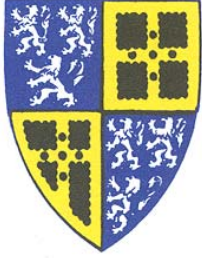
# **HISTORIC DISTRICT REGULATIONS**

*of the*  
Town of Old Saybrook, Connecticut



Old Saybrook Historic District Commission





TOWN OF OLD SAYBROOK  
Historic District Commission

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# REGULATIONS

AMENDED THROUGH:  
EFFECTIVE:

November 18, 2010  
December 31, 2010



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## SECTION 1

# Authority and Purpose

### A. AUTHORITY

Pursuant to the provisions of Section 7-147c (e) of the Connecticut General Statutes, the Historic District Commission of the Town of Old Saybrook hereby enacts the following Regulations.

### B. STATEMENT OF PURPOSE

To promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of distinctive characteristics of buildings and places associated with the history of the architecture in the North Cove Historic District.

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## SECTION 2

# Definitions

**Altered** shall mean changed, modified, rebuilt, removed, demolished, restored, razed, moved, or reconstructed.

**Appropriate** shall mean not incongruous with those aspects of the historic district which the historic district commission determines to be historically or architecturally significant.

**Building** shall mean a combination of materials forming a shelter for persons, animals, or property.

**Commission** shall mean the Historic District Commission.

**Demolition** shall mean any act of process that destroys in part or in whole a building or structure.

**District** shall mean the North Cove Historic District established by the Town of Old Saybrook, as set forth as Chapter 135 of Code of the Town of Old Saybrook. (The original ordinance was adopted by Town Meeting held on March 12, 1985).

**Erected** shall mean constructed, built, installed or enlarged.

**Exterior architectural features** shall mean such portion of the exterior of a structure or building as is open to view from a public street, way, or place, including the waters of North Cove, the Connecticut River, and any public open space.

**Removal** shall mean any relocation of a structure on its site to another site, either within a parcel or to another parcel.

**Structure** shall mean any combination of materials, other than a building, which is fixed to the land, and shall include, but not be limited to, signs, fences, walls, docks attached to land above the high tide line, driveways, flagpoles, gazebos, patios, billboards, tennis courts, hot tubs, spas, and swimming pools.

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## SECTION 3

# Certificate of Appropriateness

- A.** 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 the Historic District Commission and approved by said Commission.
- B.** No building permit for erection of a building or structure or for alteration of an exterior architectural feature within an historic district and no demolition permit for demolition or removal of a building or structure within an historic district shall be issued by a municipality or any department, agency or official thereof until a Certificate of Appropriateness has been issued. A Certificate of Appropriateness shall be required whether or not a building permit is required.
- C.** 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 after an application for a Certificate of Appropriateness as to parking has been submitted to the Commission and approved by said commission. The provisions of this section shall apply to the enlargement or alteration of any such parking area in existence on October 1, 1973.
- D.** A Certificate of Appropriateness shall not be required for the color of paint used on the exterior of any building or structure; ordinary maintenance or repair of exterior architectural features which does not involve a change in appearance or design; or the erection or alteration of exterior architectural features which does not involve a change in appearance or design; or the erection or alteration of exterior architectural features which the building official certifies is required by the public safety because of a condition which is unsafe or dangerous due to deterioration.

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## SECTION 4

# Application for a Certificate of Appropriateness

- A. The application shall include all of the following information and exhibits unless the Chairperson informs the applicant that one or more of the following items does not have to be submitted:
1. An original and eight (8) copies of a completed form to be supplied by the Commission at the request of the applicant, called “Application for Certificate of Appropriateness”.
  2. An original and eight (8) copies of a Class A-2 survey map showing any proposed improvements in relation to the location of the boundaries of the property, all existing buildings and structures on the site, driveways, walkways, including paving materials, outdoor lighting and parking areas, and the following features for the purpose of orientation to the site: landscaping, including details of plantings, major tree and shrub areas, fences, walls or terraces. .
  3. An original and eight (8) copies of a rendering of the building or structure to be altered, erected, demolished or removed showing the front, rear and side elevations with dimensions and the materials to be used, certified by a licensed architect or other professional approved by the Commission.
  4. Where alterations are to be made, an original and eight (8) copies of a detailed rendering of the portion or portions of the building or structure to be altered or erected, certified by a licensed architect or other professional approved by the Commission.
  5. Eight (8) copies of a narrative description of the timing and methods of construction, demolition, and/or removal. A list and description of the proposed building materials.
  6. In the case of demolition or removal the applicant must submit either four (4) copies of a narrative or four (4) copies of a graphic description of the proposed appearance of the property after demolition or removal.
  7. Any additional information deemed appropriate by the Commission in order for it to make an informed decision on the application.
  8. At the request of the applicant, the Commission may, upon good cause shown, waive any of the above requirements that are irrelevant or not necessary for an appropriate evaluation and decision of the application.

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## 9. Pre-Application Review for Survey Map Waiver

The applicant may request a pre-application review of a proposed project with the Commission to consider a waiver of the site plan requirement for a Class A-2 survey map as the base map of the property, existing features or improvements. The applicant must submit the request in writing at least two (2) weeks in advance of any regularly scheduled meeting.

The Commission may approve, by a three-quarters vote of all seated members of the Commission, a waiver if it finds that 1) the information for which the waiver is requested is not necessary or that 2) alternative informational materials are deemed sufficient to allow it to determine compliance with these regulations. The Commission will state upon its records the reason for which the waiver will not conflict with the intent or purposes of these Regulations. The Commission may attach any reasonable conditions to the grant of the waiver, including but not limited to its authority to require additional information at any time as necessary to make an informed decision on the subsequent application for a Certificate of Appropriateness.

The circumstances upon which the request for a waiver may be considered must be unique to the proposed project for which the waiver is sought and may not be cited as a precedent for any waiver for a proposed project on the site in the future nor other similar projects within the Historic District. The preapplication review and any results or information obtained from it may not be appealed under any provision of the general statutes and will not be binding on the applicant or Commission.

Possible circumstances under which the survey map may be waived: (a) Proposed improvements that are not otherwise *exempt* but are “minor” in scope, including but not limited to [a shed; a directional sign; a dormer, overhang, or a step, or porch/entryway enclosure within the existing building footprint; a fence; trellis, lean-to or utility closet attached to an existing building]; (b) Iron pins or survey monuments clearly identify the boundary of a large property; (c) A scaled plot plan referencing a previous A-2 survey map depicts the proposed improvements in relation to existing improvement and the property boundary.

**B.** The Chairperson shall review the application to determine whether it is complete and meets the filing requirements of these regulations.

### **C. Request for Exemption from Certificate of Appropriateness**

Under certain circumstances, a Certificate of Appropriateness for a change or addition of the exterior structure within the Historic District is not needed. Exemptions may be granted for the following reasons:

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- Portion of exterior of a structure or a building not open to view from the public street, way or place, including the waters of the North Cove, the Connecticut River or any public open space;
  - Color of paint used on the exterior of any building or structure;
  - Ordinary maintenance or repair of exterior architectural features that do not involve a change in appearance or design;
  - Erection or alteration of exterior architectural features that the Building Official certifies is required by the public safety because of a condition that is unsafe or dangerous due to deterioration.

The applicant completes an Exemption form available at the Land Use Department in the Town Hall. The Building Official or Enforcement Officer will visit the site in making the determination if an Exemption is appropriate.

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## SECTION 5

# Public Hearing & Decision on an Application

- A. All applications shall be filed in the Land Use Office in the Town Hall of the Town of Old Saybrook. The application shall be considered to have been formally filed with the Commission at such time as it is actually received by the Clerk or Chairperson of the Commission. The time of such receipt shall be noted appropriately on the first page of the application by the Clerk or Chairperson.
- B. As soon as practicable and in no case later than sixty-five (65) days of the filing of an application the Commission shall hold a public hearing on the application at a reasonable time and place.
- C. The Commission shall cause to be published in a newspaper having a substantial circulation in the Town of Old Saybrook, a notice of the time and place of the hearing one (1) time, not more than fifteen (15) days nor less than five (5) days before the date of the hearing. Interested parties may subscribe to [www.oldsaybrookct.org](http://www.oldsaybrookct.org) for automatic delivery via electronic mail of the HDC agendas or minutes.
- D. A majority of the members of the Commission shall constitute a quorum and the concurring vote of a majority of the members of the Commission shall be necessary to issue a Certificate of Appropriateness.
- E. The Commission shall approve, approve with stipulations, approve with recommendations relative to design, arrangement, texture, materials, or similar features, or deny the application within sixty-five (65) days of the filing of an application.
- F. The Commission shall keep a permanent record of its resolutions, transactions, and determinations and of the vote of each participating member therein.
- G. Failure of the applicant to submit a complete application as defined in Section 4.a.1-8 shall constitute grounds for denial of the application.
- H. If the Commission fails to make a decision on the application within sixty-five (65) days after its filing, the application shall be deemed approved.
- I. The Commission shall give written notice of its decision to the applicant within sixty-five (65) days of the filing of the application. A Certificate of Appropriateness shall constitute evidence of approval of an application.
- J. When a Certificate of Appropriateness is denied, the Commission shall place upon its records and in the notice to the applicant the reasons for its decision.

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## SECTION 6

# Renewable Resources

- A. No application for a Certificate of Appropriateness for an exterior architectural feature, designed for the utilization of renewable resources, such as solar or wind energy systems, shall be denied unless the Commission finds that the feature cannot be installed without substantially impairing the historic character and appearance of the District. The applicant shall prove that the installation of the feature will not substantially impair the historic character or appearance of the District. If the Commission approves the application it may do so with stipulations requiring design modifications and limitations on the location of the feature, which do not significantly impair its effectiveness.

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## SECTION 7

# Considerations in Determining Appropriateness

- A. 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.
- B. In passing upon appropriateness as to exterior architectural features the Commission shall also consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, scale, general design, arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of other buildings and structures in the immediate neighborhood.
- C. In passing upon appropriateness as to parking, the Commission shall take into consideration the size of such parking area, the visibility of cars parked therein, the closeness of such area to adjacent buildings, and other similar factors.

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## SECTION 8

# Variations

- A.** The applicant may seek, and the Commission may grant, a variation from or modification of the provisions of these Regulations where their strict application would result in exceptional practical difficulty or undue hardship for the applicant because of topographical conditions, district borderline situations, or other unusual circumstances concerning only the property for which the granting of the application is sought and not generally affecting the District. The Commission may vary or modify these Regulations or interpret them in a way that would relieve the hardship or difficulty, so long as its actions are in harmony with the general purpose and intent of these Regulations, and the general character of the District is reserved, and substantial justice is done.
- B.** When granting variations, or modifications, or in interpreting these Regulations, the Commission may impose reasonable stipulations and conditions as will in its judgment fulfill the purpose of these Regulations.
- C.** The Commission shall place upon its records and in its notice to the applicant the reasons for its decision.

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## SECTION 9

# Demolition

- A. As provided in Section 7-147j (b) of the General Statutes of Connecticut, if a building in an Historic District is proposed to be demolished, no demolition shall occur for ninety (90) days from the issuance of a demolition permit if during such time the Commission or the Connecticut Historical Commission is attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition.

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## SECTION 10

# Enforcement

- A.** If these Regulations or any decision, action, or ruling made pursuant to it is violated, the Commission may, in addition to other remedies, bring suit to have a court restrain the violation, and in order that it be corrected or removed.
  
- B.** The Commission shall have available to it all of the powers to enforce these Regulations, together with all fines and penalties associated therewith, as are set forth in Section 7-147h of the General Statutes of Connecticut, as amended.

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## SECTION 11

# Authority of Commission

- A. The Commission shall be empowered to exercise all the powers, duties, and functions enumerated in the General Statutes of Connecticut, Section 7-147a – 7-147k inclusive, as amended.

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## SECTION 12

# Amendments

- A. Commission shall hold a public hearing on such amendment. The Commission shall cause to be published in a newspaper having a substantial circulation in the North Cove Historic District, a notice of the time and place of the hearing not more than fifteen (15) days nor less than ten (10) days before the date of the hearing.
- B. Within sixty-five (65) days of the conclusion of the public hearing the Commission shall adopt, adopt with modifications, or refuse to adopt the proposed amendments.
- C. The Commission shall cause to be published in a newspaper having a substantial circulation in the North Cove Historic District, a notice of its decision on the proposed amendments.

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## SECTION 13

# Validity

- A. A court ruling that a section, paragraph, provision or part of these Regulations is invalid or unconstitutional, shall not affect the validity of these Regulations as a whole or any part or provision thereof other than the part so declared as to be invalid or unconstitutional.