

Historic District Commission
Town of Kent, Connecticut

Regulations

Section 1: Authority and Purpose

1.1 Authority: Pursuant to the General Statutes of the State of Connecticut, Section 7-147a to 7-147k, and Chapter 7, Section 7-1 to 7-2 of the Town of Kent Ordinances, the Historic District Commission of the Town of Kent, Connecticut, also hereinafter referred to as the "Commission," is hereby established. The Historic District Commission shall exercise powers and responsibilities imposed upon an historic district commission by the provisions of the Connecticut General Statutes. The Historic District Commission shall keep a record of its proceedings, deliberations and actions and shall annually report to the town respecting its work.

1.2 Purpose: The Commission hereby adopts the following regulations for the purpose of promoting the educational, cultural, economic and general welfare of the public through the preservation and protection of buildings and through the development of appropriate settings for such buildings in the Flanders Historic District, also hereinafter referred to as the "Historic District".

Section 2: Flanders Historic District Definition, Boundaries and Location

The Flanders Historic District is an area which includes a series of contiguous properties located north of the current village of Kent in the area known as Flanders, together with the sections of public roads between those properties. The designs and architectural features of the buildings and structures on these properties are representative of the first settlement of the Town of Kent in 1739 until the village center was moved south to "the Great Plaine". The boundaries of this Historic District are as delineated in Section 7-2.2 of the Town of Kent Ordinance establishing the Historic District, adopted at a town meeting on March 5, 1976 and taking effect on March 26, 1976.

Section 3: Definitions

3.1 Altered: Changed, modified, rebuilt, removed, demolished, restored, razed, moved or reconstructed.

3.2 Appropriate: Not incongruous with those aspects of the Historic District which the Historic District Commission determines to be historically or architecturally significant.

3.3 Building: Any combination of materials used in the forming of a shelter for persons, animals or property.

3.4 Commission: The Historic District Commission of the Town of Kent, Connecticut.

3.5 Erected: Constructed, built, installed or enlarged.

3.6 Exterior Architectural Features: The portion of the exterior of a building or structure that is open to view from a public street, way or place.

3.7 Municipality: Any town, city, borough, consolidated town and city or consolidated town or borough.

3.8 Structure: Any combination of materials, other than a building, which is affixed to the land and shall include, but not be limited to, signs, fences, walls, wells, and lighting and other fixtures.

Section 4 - Meeting Procedure

4.1 Commission Composition; Compensation of Members: The Historic District Commission shall consist of five (5) regular members and three (3) alternate members who shall be appointed as provided in section 7-1 of the Kent Ordinances. Each regular and alternate member of the Commission shall be a resident elector of the town holding no salaried municipal office. Not less than one (1) of the five (5) regular members of the Historic District Commission shall be residents within the Historic District and not less than one (1) of the three (3) alternate members shall be a resident of the Historic District if any residents are willing to serve on the Commission. The Historic District Commission shall possess the powers and perform the duties and functions of an historic district commission as provided in the General Statutes and as more particularly set forth in this article. No regular or alternate members of the Historic District Commission shall receive any compensation for his service.

4.2 Regular Meetings: The Historic District Commission, after issuance of proper notice, shall meet on the first Tuesday after New Year's Day of each year at 7:30 P.M. in the Town Offices. At said meeting, the Commission shall elect officers as prescribed by law and shall establish the date, place and time of each regular meeting that the Commission will conduct for the balance of the calendar year. The secretary of the Commission shall file with the Town Clerk, within seven (7) calendar days of the meeting, the schedule of the Commission's regular meetings for the balance of the year.

4.3 Special Meetings: The Commission, upon the call of the Chairman or two regular members, may call a special meeting. Special meetings called by the Commission shall comply with Section 1-225 of the Connecticut General Statutes.

4.4 Quorum, Postponement, Cancellation or Continuation: The procedure for the call and conduct of meetings of the Commission is regulated by the Freedom of Information Act, and specifically by Section 1-225 and 1-228 of the Connecticut General Statutes.

4.4.1 The presence of four (4) regular members or, in the case of proper designation of an alternate or alternates as provided by the terms of this article, the presence of four (4) regular and alternate members shall constitute a quorum. No resolution or vote except a vote to adjourn or to fix the time and place of its next meeting shall be adopted by less than three (3) affirmative votes. The published agenda for each Regular Meeting may be amended by two thirds vote of the members present and voting. The motion and actual vote for amending the agenda shall be recorded in the minutes.

4.4.2 The Commission may, with a quorum or with less than a quorum present for the called meeting, adjourn any regular or special meeting to a time and place specified in the order of adjournment. If all Commission members are absent from any regular meeting, the Secretary of the Commission may declare the meeting adjourned to a stated place and time (time not to be less than 48 hours hence) and shall cause a written notice of the

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adjournment to be given in the same manner as provided in Section 1-225 of the Connecticut General Statutes for special meetings. A copy of the order of notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held and posted in the Town Clerk's Office, within twenty-four (24) hours after the time of adjournment. When the order of adjournment for any meeting fails to state the hour at which the adjourned meeting is to be held, it is to be held at the time otherwise specified for regular meetings.

4.4.3 Any public hearing being conducted by the Commission may, by order or notice of continuance of the Commission, be continued or re-continued to any subsequent Commission meeting in the same manner and to the same extent set forth in Section 1-228 of the Connecticut General Statutes; however, if the hearing is continued to a time that is less than twenty four (24) hours after the specified time in the order or notice of the hearing, a copy of the order or notice of the continuance of the hearing shall be conspicuously posted on or near the door of the place where the hearing was held, immediately following the meeting at which the order or declaration of continuance was made.

Section 5 - Certificate of Appropriateness

5.1 Actions Requiring Approval: No building or structure shall be erected, altered, restored, moved or demolished within the Flanders Historic District until after an application for a Certificate of Appropriateness pertaining to any modification to the exterior architectural features has been submitted to, and approved by, the Historic District Commission. The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure.

5.2 Prerequisite to Other Permits: No building permit for the erection of a building or structure or for the alteration of any exterior architectural feature within the Historic District and no demolition permit for the demolition or removal of a building or structure within the Historic District shall be issued by any department, agency or official of the Town of Kent until a Certificate of Appropriateness has been issued. A Certificate of Appropriateness must be obtained from the Commission whether or not a building or demolition permit is required.

5.3 Signage: The style, material, size, lighting, and location of any outdoor sign in the Historic District shall require a Certificate of Appropriateness.

5.4 Parking: No area within the Historic District shall be used for industrial, commercial, business, home business or occupational parking, whether or not such area is zoned for such a use, until after an application for a Certificate of Appropriateness as to parking has been received and approved by the Commission.

5.5 Light Fixtures: A Certificate of Appropriateness shall be required prior to the installation of any additional lighting apparatus to a new or existing building, structure or sign which is used in connection with an industrial, commercial, business, home business or any other non-residential structure if the lights or lighting apparatus are visible from a public street.

Section 6 – Applications, Hearings and Decisions

6.1 Application for Approval: An application for a Certificate of Appropriateness shall be submitted to the Land Use Office of the Town of Kent on the form prescribed by the Commission.

6.2 Supporting Information: The Commission may request such plans, plot plans, elevations, photos, specifications, material and other information as may be reasonably deemed necessary in order for the Commission to make a determination on the application. In the case of a demolition or removal request, the applicant shall furnish the Commission with photographs and a statement depicting the condition and appearance of the property before and after the proposed demolition or removal.

6.3 To be held open

6.4 Hearings:

6.4.1 The Commission shall hold a public hearing on each application for a Certificate of Appropriateness unless the Commission determines that such application involves items not subject to approval by the Commission. The Commission shall fix a reasonable time and place for such hearing. Notice of the time and place of such hearing shall be given by the Commission by publication in the form of a legal advertisement appearing in one or more local newspapers having substantial circulation in the Town of Kent at least once, not less than five days and not more than fifteen days before the scheduled hearing.

6.4.2 Upon the scheduling of a public hearing by the Commission, the applicant shall notify by mail all adjoining property owners within the Historic District as reflected in the current Historic District Map at least seven (7) days in advance of the public hearing. The notice shall include a brief description of the application along with the date, time, and location of the public hearing. The applicant shall submit to the Commission a copy of such notice, certified receipts of mailing or certified mail return receipts, and a list of all adjoining property owners as evidence of compliance with this requirement.

6.5 Decisions: In order to issue a Certificate of Appropriateness, the Commission must have a concurring vote of a majority of the Commission members. 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. When the Commission acts upon an application, it shall submit written notice of its decision to the applicant. Should the Commission deny a Certificate of Appropriateness, the reasons for the denial, including the basis for its conclusion, shall be placed upon the Commission's records and included in the notice sent to the applicant. The notice to the applicant may also include recommendations relative to design, arrangement, texture, material and other similar features. The Commission is empowered with the authority to issue a Certificate of Appropriateness with stipulations.

Section 7 – Application Decisions

7.1 Action Upon Determination: If the Commission determines that the proposed erection, alteration, or parking will be appropriate, it shall issue a Certificate of Appropriateness. An application for a Certificate of Appropriateness may be denied for any building or structure, the erection, reconstruction, restoration, alteration or razing of which, in the opinion of the Historic District Commission, would be detrimental to the interest of the Historic District.

7.2 Factors in Determining Appropriateness: In determining appropriateness, the Commission shall consider, in addition to other pertinent factors, the type and style of exterior windows, doors, and light fixtures, signs, above-ground utility structures, mechanical appurtenances, and the type and texture of building materials. The Commission shall also consider the historical and architectural value and significance, the historical and architectural style, scale, general design, arrangement, texture and material of the architectural features involved and their relationship thereof to the architectural style and pertinent features of other buildings and structures in the neighborhood.

7.2.1 In its deliberations, the Commission shall act only for the purpose of controlling the erection, alteration or demolition of buildings, structures or parking areas that are incongruous with the historic or architectural aspects of the district. The Commission shall not consider interior arrangement or use. 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.

7.2.2 No application for a Certificate of Appropriateness for an exterior architectural feature designed for the utilization of renewable resources, such as a solar energy system, 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.

7.2.3 Except as provided in Section 7.2 of these Regulations, the removal or alteration of any historic materials or architectural features should be held to the minimum.

7.2.4 Repair or replacement of deteriorated architectural features should be based on the original features of the building rather than based on designs taken from other historic buildings. If replacement is necessary, the new material should be compatible with the replaced material in type, design, texture, and other aesthetic and architectural qualities. Alterations that create an appearance inconsistent with the character of the building are discouraged. Low-maintenance siding, such as aluminum or vinyl clapboard, which are products of the mid-20th century, is by nature inappropriate on historic buildings.

7.2.5 Wherever possible, new additions or alterations to buildings should be made in such a manner so that if they were removed in the future, the essential integrity of the original building would be unimpaired.

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7.2.6 New construction should 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, size of overhangs, setbacks, and other dominant features. New construction should be compatible with surrounding buildings as to form, texture, scale and character.

7.2.7 In determining appropriateness as to parking, 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.

7.2.8 Signage should reflect the pedestrian uses of the Historic District. 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.

Section 8 - Variances, Exemptions and Demolition Delays

8.1 Variances: The Commission shall have the power to vary or modify strict adherence to these Regulations by reason of topographical conditions, district borderline situation, other unusual circumstances or so as to relieve exceptional practical difficulty or undue hardship as it relates to a specific parcel of land and not generally affecting the Historic District in which the land is located; provided such variance, modification or interpretation is in harmony with the general purposes and intent of these Regulations, so that the general character of the Historic District shall be preserved and substantial justice is done. In granting variances, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purposes of these Regulations. Any application resulting in a variance must include an explanation of the practical difficulty or undue hardship. The Commission shall, for each variance granted, place upon its records, and in the notice to the applicant, the reason(s) for its determination.

8.2 Exemptions: Certain activities that are undertaken in the Historic District are declared to be of such a nature that they are exempt from these Regulations. The exemption of such activities shall be effective upon submission of documentation satisfactory to the Commission or its Enforcement Officer, and the acceptance by the Commission of such documentation. Exempt activities shall include those described in the subsections of this section 8.2:

8.2.1 Ordinary maintenance, repair or replacement in kind of any exterior architectural feature in the district which does not involve a change in the appearance or design thereof;

8.2.2 The erection or alteration of any feature which the Building Inspector, or similar agent, certifies is required for public safety because of a condition that is either unsafe or dangerous due to deterioration of the feature. The Commission and Building Officials shall explore options to prevent demolition as a result of fire and acts of waste with the property owner prior to granting a demolition permit.

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8.2.3 Any property owned by a nonprofit institution of higher education, for so long as a nonprofit institution of higher education owns such a property, is exempt from these Regulations.

8.3 Demolition Delays: The Commission may delay the issuance of a demolition permit for a structure situated in the Historic District for ninety (90) days provided that during such time the Commission or the Connecticut Commission of Culture & Tourism is trying to find a buyer who will retain or remove such building or who will present some reasonable alternative to demolition.

Section 9 – Enforcement

9.1 Action by Commission to prevent illegal acts: If any action or ruling taken by the Historic District Commission pursuant to the provisions of sections above, inclusive, of the General Statutes or of this article has been violated, the Commission and/or its duly authorized agent may, in addition to other remedies, institute an action or proceeding in the Superior Court in the judicial district where the violation exists to prevent such unlawful erection, construction, alteration, razing, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. The Superior Court wherein such violation continues or exists shall have jurisdiction of all such offenses, subject to appeal as in other cases. Any penalties will be in accordance with Section 9.2 of these Regulations.

9.2 Penalties: The owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part in or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be fined one hundred dollars (\$100.00) for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined two hundred fifty dollars (\$250.00) for each day that such violation continues. Each day that a violation continues to exist shall constitute a separate offense.

9.3 Enforcement: Determinations and orders of the Historic District Commission issued pursuant to such sections of the General Statutes or of these regulations, including any amendments thereto, shall be enforced by the Zoning Enforcement Officer of the Town of Kent, or such agent as the Commission shall designate, as the Commission's Enforcement Officer. The Enforcement Officer is hereby authorized to inspect and examine any building, structure, place or premises and to require in writing the remedying of any condition found to exist therein or thereon in violation of the Certificate of Appropriateness made under the authority of such sections of the Connecticut General Statutes or of this article. The powers and duties of the Enforcement Officer shall be as prescribed by law and Kent Town Ordinances, in addition to those delegated under these Regulations.

9.4 Appeals: Any person or persons severally or jointly aggrieved by any decision of the Historic District Commission or of any officer thereof may, within fifteen (15) days from the date when such decision was rendered, take an appeal to the Superior Court of the

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judicial district, which appeal shall be returnable to such court in the same manner as that prescribed for civil actions brought to such court. Notice of such appeal shall be given by leaving a true and attested copy thereof in the hands of or at the usual place of abode of the chairman or clerk of the Historic District Commission within twelve (12) days before the return day to which such appeal has been taken. Procedure upon such appeal shall be the same as that defined in section 8-8 of the Connecticut General Statutes.

Section 10 - Amendments

These Regulations may be amended or repealed in a manner provided by the Connecticut General Statutes at the initiation of the Commission. 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 one or more local newspapers having a substantial circulation in the Town of Kent not more than fifteen days or less than five days before such hearing and a copy of the proposed amendments shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such hearing. The proposed amendments shall be adopted by a majority vote of the Commission and become effective at the time prescribed by the Commission, providing a copy of the adopted amendments is filed in the office of the Town Clerk and a notice of the Commission's decision shall have been published in a newspaper having a substantial circulation in the Town of Kent at least 15 days prior to the effective date.

Section 11 - 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.

Section 12 - Effective Date

These Regulations shall become effective on August 1, 2011.