



REGULATIONS

Effective: July 1, 1979

SECTION I — GENERAL

1. Purpose

The purpose of these regulations is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of building, places and districts of historic interest by the maintenance of such landmarks in the history of architecture, of the municipality, of the State or of the nation, and through the development of appropriate settings for such buildings, places, and districts.

2. Boundaries of District

The Brookfield Historic District will be those areas shown and bonded as such and so described in Town Ordinance Supplement Number 7, pages 1 and 2, and document entitled "Town Tax Map and Reference Number Index," or any amendment thereto.

3. Regulation of Structures

No building or structure will be erected, altered, restored, moved, or demolished within the Historic District unless such action complies with the requirements set forth in these regulations and a Certificate of Appropriateness has been issued, in accordance with Section 7-147a-m of the Connecticut General Statutes, as amended from time to time.

SECTION II — ORGANIZATION

1. Members and Terms of Office

There will be five members of the Commission, consisting of three (3) members for terms of two (2) years, two (2) members for terms of four (4) years and biennially thereafter two (2) members or three (3) members will be appointed for terms of four (4) years on a rotating basis as terms expire. There will be three (3) alternate members of the Commission, two (2) alternates for a term of two (2) years and one (1) alternate for a term of four (4) years and biennially thereafter one (1) or two (2) alternates will be appointed for terms of four (4) years on a rotating basis as terms expire.

2. Officers

- a) The officers of the Commission will consist of a chairman, a vice-chairman, and clerk, each of whom will be elected from among the members of the Commission.
- b) The chairman will preside at all meetings and hearings of the Commission. The chairman will have the authority to appoint committees, call special meetings and generally perform other duties as may be prescribed in these by-laws or by the Commission.
- c) The vice-chairman will assume the duties of the chair in the absence of the chairman.
- d) The clerk will keep the minutes and records of the Commission and, with the assistance of such staff as is available, will prepare the agenda of regular and special meetings under the direction of the chairman, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission, and such other duties as are normally carried out by a clerk. In the absence of the clerk, due to illness or any other cause, the chairman will appoint a clerk pro-tem.
- e) An annual organization meeting will be held within 30 days following each march 1 at which time officers will be elected.
- f) No public hearing may be held following march 1 of each year until the new officers have been elected.

3. Disqualification

No members of the Commission shall participate in any hearing or decision of any matter when he is disqualified for self interest, personal, financial or otherwise. In the event of such disqualification, the clerk will enter note thereof upon the records of the meeting and the chairman will designate an alternate member to take the place of the member disqualified. The chairman will make the final decision as to whether a member is disqualified for self interest.

SECTION III — MEETINGS

1. General

- a) Regular meetings of the Historic District Commission will be held at least once each month upon notice. Three members of the Commission will constitute a quorum. Notice will be given in advance of said meeting. If any regular members will be unable to attend, she/he will notify the chairman and clerk prior to the meeting date. The chairman will notify an alternate(s) to be seated for the vacancy. Alternates will be seated in a regular rotation, or nearly so, as time and scheduling permits. Each alternate member so attending will have all the power and authority of a regular member at such meetings.
- b) The notice of each meeting will specify the purpose of the meeting and no other business may be considered except by majority consent of the members present.
- c) Copies of the minutes will be filed with the Town Clerk, First Selectman's office, in the records of the Commission, and other designated public places.

- d) Special meetings may be held at the call of the chairman on his/her own motion, or at the request of any two members of the Commission, or on such other day as the Commission may be vote determine.
- e) A schedule of regular meetings will be filed with the Town Clerk in January of each year by the clerk.

SECTION IV — APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

1. Pre-hearing Procedure

An applicant may request a pre-hearing with the Commission. Any architect, builder, property owner or any other person with an interest in a property located in the Historic District is encouraged to meet with the Commission to discuss contemplated work before submission of a formal application for a Certificate of Appropriateness (COA). *The Commission will make no decisions prior to formal application and public hearing*, but reserves the right to make non-binding recommendations or suggestions.

2. Within the Town of Brookfield Historic District, no building or structure will be erected, altered, restored, moved or demolished within the district until after an application for a COA as to exterior architectural features has been submitted to the Commission.

- a) An application for such Certificate will be made to the clerk or the chairman of the Commission.
- b) Applications for COA will be in triplicate and contain the following:
 - Name and address of the owner, his agent, his architect and contractor, if one is being used.
 - Location of the property affected by the application. The subject structure(s) or improvement(s) shall be approximately located on the map with plus or minus dimensions to the nearest foot. A copy of the application will be dated and returned to the applicant, the original retained by the building official and a copy forwarded to the clerk of the Commission.
 - A description of the work proposed, parcel number, building elevations, scale drawings, pictures, writing or other means that the Commission may reasonably request to describe the scope of said work.
 - Approximate dates of commencement and completion of proposed work.
- c) In case of new construction, a plot plan and elevations will be required. These must set forth dimensions, including height, and indicate the materials to be used such as wood shingles, siding, brick, etc. The Commission reserves the right to require additional information and exhibits such as photographs, grading plan, specifications and the like. Failure to submit all requested information and exhibits may result in denial of the application.
- d) Issuance of a COA does not eliminate the need for any other permits required by law.

- e) The Commission Chairman will set a date for the public hearing that will be no later than 45 days after the date of filing a completed application.
- f) A written notice will be mailed to the applicant prior to a public hearing.

3. Considerations of Applications for Certificates of Appropriateness

- a) In passing on an application for a COA for work on existing buildings, the Commission will consider the extent to which the alterations or repairs are to be made in the spirit of the architectural style, and the effects of the completed work on the appearance of the historic District.
- b) In passing on an application for a COA for the enlargement of an existing building or for construction for a new building, the Commission will consider size, mass, scale, kinds of exterior materials, textures and ornamentation, site layout, setback and overall visual exterior appearance of the building itself, and its visual effect on the district. Applications for enlargement and new construction will be accompanied by explanatory line drawings and, where required by the Commission, drawings of the surrounding buildings, and will clearly demonstrate the compatibility of the new structure with the significant architecture in the district. It is not the intent to limit new construction, but to preserve the integrity of historic buildings and to insure the compatibility of any new work constructed in the vicinity.
- c) The Commission will consider minor alterations and maintenance involving a change in design, exterior materials, or scale, or outward appearance (chimneys, windows, doors, roofing, siding, shutters). The Commission will favor materials appropriate to the period of the structure.
- d) The Commission will also consider other construction or additions to property not connected to houses, changing the overall appearance of the property any out-buildings, well-houses, garages, swimming pools, tennis courts, fences, signs (commercial or personal), walls, sidewalks, etc).
- e) Energy saving devices will receive special consideration with regard to economic necessity of a national rather than individual necessity.

4. Notice of Hearings

- a) The Commission will cause a notice of the hearing to be published once in a newspaper having substantial circulation in the Town of Brookfield not more than 15 days or less than seven days before the date set for the public hearing, and notice of the date of such hearing will be mailed to the applicant concurrently, with a copy of the application.
- b) Such notice will contain the name of the applicant, the property affected and the date, time, and place of the hearing.

5. Hearings

- a) The Commission may hold public hearings, in addition to required hearings, when it decides that such hearings will be in the public interest.

- b) All public hearings prescribed by law will be held in accordance with the requirements set forth for such hearings in the ordinances of the Town of Brookfield, and Connecticut General Statutes Section 7-147a-m.
- c) The matter before the Commission will be presented in summary by a member of the Commission designated by the chairman or staff member, and parties in interest will have the privilege of the floor.
- d) A competent stenographer will take the evidence, or the evidence will be recorded by a sound recording device, at each hearing before the Commission in which the right to appear lies to the Court of Common Pleas. Proceedings of the hearing will be incorporated into the minute book of the Commission to be a permanent part of that record.

6. Conducting the Public Hearing

- a) The chairman of the Commission will preside at the public hearing. In the event of his/her absence, the vice-chairman or a duly appointed Commission member will act as presiding officer.
- b) The clerk will read the legal advertisement and note the dates and newspapers in which the advertisement appeared.
- c) A summary of the question or issue will be stated by the presiding officer at the opening of the public hearing. Comments will be limited to the subject advertised for hearing. The Commission will have the privilege of speaking first. The Chairman will describe the method of conduct of the hearing.
- d) The Chairman will first call for statements from the proponents. The opponents will be given equal opportunity to comment. The order is reversible, the discretion of the Commission prevailing. Whichever the case may be, each group will make its presentation in succession without allowing an inter-mixture of comments pro or con. Opportunity for a brief rebuttal may be allowed at the discretion of the Chairman.
- e) It will be made clear to the hearing that all questions and comments must be directed through the Chair only after having been properly recognized by the presiding officer.
- f) All persons recognized will approach the hearing table in order to facilitate proper recording of comments. Before commenting on the matter before the hearing, each person will give his name and address.

7. Decisions

- a) All decisions of the Commission granting or refusing a COA will be in writing and a copy thereof sent to the applicant and filed with the building official when deemed necessary.
- b) Decisions granting or denying an application for a COA will be approved by not less than three members of the Commission.

8. Approval Not Requiring a Certificate

- a) The Historic District Commission may from time to time, hold public hearing on its own application to give approval of certain types of work. Any work of a type given general approval after such a hearing will not require a separate COA before the issuance of a

building permit by the building official. A copy of any such approval will be filed in the office of the building official.

b) General approval is hereby given for use of the following materials and/or work:

- 1) Ordinary maintenance or repair which does not involve a change of existing design, exterior materials, scale or general exterior appearance.
- 2) Work required by the building official to eliminate an unsafe or dangerous condition provided that any permanent repairs will not change the exterior design of the structure without a COA.
- 3) Exterior painting of existing buildings.
- 4) Installing temporary signs in connection with the construction, repair, sale or rental of the premises in accordance with the requirements of the Zoning Regulations of the Town of Brookfield.

9. Conformance to Certificate

- a) All construction work performed under a COA will conform to such Certificate. Any change in the scope of work subsequent to the issuance of a COA will require issuance of a new COA for said changes.
- b) Any COA issued by this Commission will expire eighteen (18) months from the date of its issue. If the approved work has not been completed within that time period, a new application for COA must be submitted.

10. Demolition of Historic Structures

In cases where approval for demolition is granted, for reasons other than public health or safety, such Certificate will not become effective until six (6) months after the date of such issuance in order to provide a period of time within which it may be possible to relieve a hardship or to cause the property to be transferred to another owner who will retain the structure.

11. Yard Variances and Setback

Due to peculiar conditions of design and construction in historic neighborhoods where structures are often built close to the lot lines, it is in the public interest to retain the neighborhood's historic appearance by making variances to normal yard requirements. Where it is deemed that such variance will not adversely affect neighborhood properties, the Commission may recommend to the Zoning Board of Appeals that such variance to standard yard requirements be made.

12. Other Considerations

Any person or persons severely 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 Court of Common Pleas.

13. Change in Regulations of the Commission

- a) The Historic District Commission will have the right to modify the regulations contained herein as it deems necessary to improve the workability as well as effectiveness of said regulations.
- b) Proposed changes will be adopted by majority vote of the Historic District Commission following a public hearing and notice.

14. Enforcement of These Rules and Regulations

The Town Zoning Enforcement Officer will be the Historic District Enforcement Officer for these rules and regulations.

15. Penalties for Violation of Regulations

Penalties will be as prescribed and in accord with the provisions of Sections 7-147a to 7-147m inclusive, as amended in the General Statutes of Connecticut.

16. Queries

Any questions as to whether a contemplated change falls under these regulations, should be directed to a member of the Commission. Changes about which there are questions will result in a telephone call or contact from the Commission. A letter will be sent each year to addresses, on an updated list of property owners, within the district(s) with the names of Commission members and any changes in the regulations adopted within the past year.