



First land deed from the Indians
April 12th 1659

Members

Susan Cheatham, Chairperson
Maureen Donnarumma
Lois Fital
Frank Sherer, Jr.

Alternates

Nancy Bailey
Robert Kolesnik, Jr.
Mark Kroll

Effective January, 1988
Effective January 16, 2003
Effective December 14, 2015

Fee: \$5.00

Town of Woodbury

Historic District Commission Regulations

SECTION 1 - AUTHORITY AND PURPOSE

Pursuant to the General Statutes of the State of Connecticut, Section 7-147a to 7-147k, and Town Ordinance, Article V, Section 8-81 to 8-86, the Historic District Commission of Woodbury, Connecticut 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, places and districts of historic interest by the maintenance of such landmarks in the history of architecture of the town, state or nation; and through the promotion and development of appropriate settings for such buildings, places and districts.

SECTION 2 - BOUNDARIES AND LOCATION OF HISTORIC DISTRICTS

2.1 Historic District Number 1:

Historic District No.1 shall be situated in the center of town and located on both sides of Main Street, also known as U. S. Route #6, and its boundaries are hereby fixed and defined as follows: On the easterly side of Main Street, it commences with 3 Old Sherman Hill Road (Tax Assessor's Map #103, Lot #48) at the intersection of the highway known as Old Sherman Hill Road, and extends northerly to the southerly boundary of 264 Main Street North (Tax Assessor's Map #23, Lot #32). On the westerly side of Main Street, the district begins with 4 South Pomperaug Avenue (Tax Assessor's Map #103, Lot #3) at the intersection of Pomperaug Avenue and extends northerly to and including 4 Flanders Road and Route #6 (Tax Assessor's Map 23, Lot #55). Also included are the following streets, running from Main Street, names (1) Hollow Road and Sycamore Road to the Pomperaug River; (2) Judson Avenue to the Pomperaug River; (3) School Street; (4) Orenaug Road and Park Road up to Orenaug Park; (5) Pleasant Street to and including 5 Pleasant Street (Tax Assessor's Map #105, Lot #83). Both sides of all of said streets are included to a depth of two hundred (200) feet from the edge of the street pavement. Said district includes a total of approximately four (4) miles of highways, of which two (2) miles are along the Main Street or U. S. Route #6, and two (2) miles are along the side streets above mentioned. All of the foregoing area included in Historic District No.1 is shown on a map delineating the area involved, which map is incorporated herein by reference and is to be kept on file by the Historic District Commission.

2.2 Historic District No. 2:

Historic District No. 2 shall be situated in the southerly part of the town and is located on both sides of Main Street, also known as U. S. Route #6, and its boundaries are hereby fixed and defined as follows: Commencing at the Southbury Town Line and extending northerly approximately one mile on the easterly side of Main Street to and including 693 Main Street South (Tax Assessor's Map #102, Lot #37), and on the westerly side of Main Street to and including 828 Main Street South (Tax Assessor's Map #34, Lot #4). Said District No.2 includes the land on both sides of said street to a depth of two hundred (200) feet from the edge of the street pavement. All of the foregoing area included in Historic District No.2 is shown on a map delineating the area involved, which map is incorporated herein by reference and is to be kept on file by the Historic District Commission.

SECTION 3 - DEFINITIONS

- 3.1 **Altered:** Changed, modified, rebuilt, removed, demolished, restored, razed, moved or reconstructed.
- 3.2 **Building:** Any combination of materials used in the forming of a shelter for persons, animals or property.
- 3.3 **Commission:** The Woodbury Historic District Commission.
- 3.4 **Erected:** The construction, building, installation or enlargement of a building or structure.
- 3.5 **Exterior Architectural Features:** The portion of a building or structure that is open to view from a public street, way or place.
- 3.6 **Municipality:** Any town, city, borough, consolidated town and city or consolidated town or borough.
- 3.7 **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, and lighting fixtures.
- 3.8 **Fixtures:** Lawn adornments, lawn apparatus, lawn decorations, property adornments and apparatus that function as a sign, such as a vehicle with a sign on it parked in a yard.

SECTION 4 - MEETING PROCEDURES

- 4.1 Scheduled Meetings:** The Historic District Commission, after issuance of proper notice, shall meet on the first Monday 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 clerk 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. 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.
- 4.2 Amendments to the Agenda:** The published agenda 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.
- 4.3 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.
- 4.3.1** Under Section 1-228, 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 Clerk or Secretary of the Commission may declare the meeting adjourned to a stated place and time (time not to be less than 48 hours) and shall cause a written notice of the 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 adjourned regular or special meeting was held, 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.
- 4.3.2** 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** No building or structure or property fixture shall be erected or altered within the historic district until after an application for a Certificate of Appropriateness, as it relates to exterior architectural features, has been submitted to the Commission and approved by said Commission.
- 5.2** No building permit for the erection of a building or structure or for the alteration of any exterior architectural feature within the historic districts and no 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 Woodbury 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. Should exception be made for a matter of public safety, the Fire Marshal or the Building Official is given authority to order the demolition of a building or structure without obtaining a Certificate of Appropriateness, provided that the Commission and the Zoning Enforcement Officer are given notice of the action taken within five working days. Where practical, notice shall be given prior to taking any action.
- 5.3** 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 requested demolition or removal.
- 5.4** The style, material, size, lighting, and location of all outdoor signs in the historic districts shall be under the control of the Commission.
- 5.5** 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.
- 5.6** 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 is visible from a public street.

SECTION 6 -APPLICATIONS, HEARINGS AND DECISIONS

6.1 Applications: An application for a Certificate of Appropriateness or a Variance shall be submitted on the form prescribed by the Commission to the Town Planning Office. All applications for a Certificate of Appropriateness or a Variance require a public hearing, including applications for signs, fences, lighting, non-residential driveways and parking areas, exterior architectural alterations of existing buildings or structures, the demolition or removal of existing buildings or structures, and the construction of new buildings and structures.

6.2 Fees:

6.2.1 An application fee of \$50 must accompany each application or request for variance. There is no fee for determinations of exceptions.

6.2.2 If the Commission determines that it is necessary to obtain specialized review to fully and properly review and evaluate the application, the fees for such expertise shall be paid by the applicant within ten (10) days of the Town's written notice of the actual or estimated fees.

6.2.3 Failure of an applicant to submit all required fees shall be sufficient grounds for denial of the application.

6.3 Hearings:

6.3.1 The Commission shall hold a public hearing on all applications 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 a newspaper having substantial circulation in the municipality at least once, not less than five days, and not more than fifteen days before the scheduled hearing.

6.3.2 Notice of public hearings may be mailed to abutting property owners.

6.4 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 a completed 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. 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.

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 -VARIANCES, EXEMPTIONS AND DEMOLITION DELAYS

- 7.1 Variances:** The Commission shall have the power to vary or modify strict adherence to these Regulations 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 conserved 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 for such a variance must include the 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 reasons for its determination.
- 7.2 Exemptions:** 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, upon submittal of documentation satisfactory to the Commission or its Enforcement Officer, are:
- 7.2.1** Ordinary maintenance or repair of any exterior architectural feature in the districts which does not involve a change in the appearance or design thereof;
 - 7.2.2** The erection or alteration of any feature which the Building Inspector, or similar agent, certifies is required by public safety because of a condition that is either unsafe or dangerous due to deterioration of the feature; and
 - 7.2.3** 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.
- 7.3 Demolition Delays:** The Commission may delay the issuance of a demolition permit for a structure situated in a historic district for ninety (90) days providing during such time the Commission or the Connecticut Historical Commission is

trying to find a buyer who will retain or remove such building or who will present some reasonable alternative to demolition.

SECTION 8 - CONSIDERATIONS IN DETERMINING APPROPRIATENESS

If the Commission determines that the proposed erection, alteration, or parking will be appropriate, it shall issue a Certificate of Appropriateness. In determining appropriateness, 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. The Commission shall also consider the historical and architectural style, scale, general design, arrangement, texture and material of the architectural features involved and their relationship to the architectural style and pertinent features of other buildings and structures in the neighborhood. The Commission shall also consider the principles contained in the United States Department of the Interior "Secretary of the Interior's Standards for Rehabilitation." 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. 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.

8.1 Guidelines for Construction and Alterations in the Historic District

- 8.1.1** 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.
- 8.1.2** Deteriorated architectural features should be repaired rather than replaced. If replacement is necessary, the new material should be compatible with the replaced material in composition, design, color, texture, and other aesthetic and architectural qualities. Repair or replacement of architectural features should be based on the original features of the building rather than based on designs taken from other historic buildings. Alterations that create an appearance inconsistent with the character of the building are discouraged. Low maintenance siding, such-as aluminum or vinyl clapboards, which are products of the mid-20th century, are by nature, inappropriate on historic buildings.
- 8.1.3** 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.

8.1.4 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.

8.1.5 Signage should consider 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 9 - ENFORCEMENT

The Zoning Enforcement Officer and Deputy Zoning Enforcement Officer of the Town of Woodbury are designated to be the Enforcement Officers of the Historic District Regulations. The powers and duties of the Enforcement Officers shall be as prescribed by law and Woodbury Town Charter, 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 penalties imposed by the courts will be in accordance with Section 7-14 7h (b) 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 a newspaper having a substantial circulation in such municipality at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days or less than ten (10) days and the last not less than two (2) 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 established only after 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 municipality 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 provisions 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 at 12:01 a.m. on the fourth day of January, 1988. Revisions to these regulations adopted by the Woodbury Historic District Commission on shall become effective at 12:01 on the 13th day of January, 2003.