I. AUTHORITY AND PURPOSE

Authority The Canton Center Historic District Commission is authorized by and organized in accordance with Sections 7-147a to 7-147k of the Connecticut General Statutes and by the enabling Ordinance of the Town of Canton effective July 1, 1975, both as amended, and hereby adopts these Rules and Regulations pursuant to such authority.

Purpose The purpose of the Commission is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places associated with Canton Center and to preserve and protect buildings and places of historic interest, their architecture and settings in Canton Center, recognizing them as landmarks in the history of the Town.
II. DISTRICT BOUNDARIES

**Boundaries** The boundaries of the District are fixed and established by Section 3 of the Town Ordinance as follows:

The southern boundary of the District on the westerly side of Route 179 is defined by the southerly boundary of the Lyle Crowley property, and, on the east side of Route 179 by a linear extension of that line. The District extends northerly from this boundary along both sides of Route 179 to Meadow Road, then westerly along both sides of Meadow Road to West Road and then southerly along both sides of West Road and Barbourtown Road to Route 179.

The northern boundary of the District on the east side of Route 179 is a line extending perpendicular to Route 179 on the north side of the Samuel Richardson house. On the west side of West Road the northerly boundary is defined by the northerly boundary of the Rodney Pratt property. The District includes all property within 1000 feet of the centerline of the specified sections of the above roads, except as noted below.

Annex #1 to the Canton Center Historic District is the Captain John Brown House and grounds now owned by Faith Lindsay on West Road.

Annex # 2 is the Nathaniel Sherman house and property now owned by Robinson Wright on East Mountain Road.

The following properties which otherwise protrude into the District from rear boundary lines are excluded:

Mildred B. Richardson; Merle and Lawton Miner; Donald and Alta Prentice; Ralph and Carolyn Mattson; Laurette Soucy; Daryl and Hilda Hood.
III. THE COMMISSION

Membership  The Canton Center Historic District Commission shall consist of five regular members and three alternate members, each of whom shall be an elector of the Town of Canton holding no salaried Town office. Loss of either qualification shall constitute loss of office. Members and alternates shall serve without compensation. At least two regular members and one alternate member shall be residents within the District.

Alternates  If a regular member of the Commission is absent or has a conflict of interest, the Chairman shall designate an alternate to so act, choosing alternates in rotation if possible. Alternates shall, when seated as provided in this section, have all powers and duties of a member of the Commission.

Term  Regular and alternate members shall be appointed for terms of four years. The appointments to the Commission shall be so arranged that the term of at least one regular member or one alternate member shall expire each year. Each member and alternate shall continue in office until a successor is duly appointed.

Officers  The Commission shall elect annually a Chairman, a Vice-Chairman and a Clerk from its own number to have the duties customary to such offices and as determined by the Commission. Alternate members shall not participate in the vote for election of officers unless designated to act in place of a regular member as provided above.

Resignations  A regular or alternate member may resign by giving written notice to the Chairman or First Selectman stating when thereafter such resignation will be effective.

Vacancies  Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Committees  The Commission may have such committees as it deems necessary or desirable.
IV. MEETINGS AND PUBLIC HEARINGS

Meetings The Commission may hold regular monthly meetings and special meetings. All meetings shall be open to the public.

Agenda An agenda shall be prepared by the Chairman or Clerk for each meeting. A copy of the agenda shall be posted in the Town office not less than 24 hours before any meeting.

Schedule The schedule of regular meetings for each calendar year shall be filed with the Town Clerk following the January meeting. Unless otherwise filed, regular meetings shall be held on the third Wednesday of each month at 7:00 p.m. in the Town office designated for that purpose.

Special Meetings Special meetings shall be held to transact business on an exceptional basis, or to permit the Commission to develop rules or procedures for the administration of the District, or with respect to establishing guidelines for architectural renovations. Notice of a special meeting shall be filed with the Town Clerk at least 24 hours prior, stating the time, place and business to be transacted. No other business shall be considered at such meeting.

Quorum A quorum shall consist of four members, including alternate members designated to vote in the absence of a regular member, for the transaction of all business at a meeting. The Commission shall act by majority vote.

Order of Business The order of business at a meeting shall be as specified in the agenda and if not so specified shall be as follows:

- Roll call and designation of voting alternates
- Hold public hearing when applicable
- Act on minutes of prior meeting
- Old business
- New business
- Committee Reports
- Adjournment
Adjournment  Meetings may be adjourned to other times and places as may be specified in the order of adjournment.

Public Hearings  Public hearings shall be held (1) at a regular or special meeting duly noticed to hear an application for a certificate of appropriateness; (2) as outlined in the Connecticut statutes governing creation of new historic districts; (3) at the discretion of the Commission when significant concerns or questions arise relating to the administration of the District; and (4) to adopt or amend these Rules and Regulations.

Legal Notice  A legal notice shall be published in a newspaper having substantial circulation in the Town of Canton not more than fifteen days nor less than five days before a public hearing.

Agents  Interested parties may appear in person or by agent or attorney at a public hearing.

Agenda  A copy of the legal notice for a public hearing shall serve as the agenda for that hearing.

Quorum  A quorum shall consist of four members, including alternate members designated to vote in the absence of a regular member, for the transaction of all business at a public hearing. The Commission shall act by majority vote.

Order of Business  The order of business of a public hearing shall be substantially as follows:

- Roll call and designation of voting alternates
- Rules of decorum to be set by the Chairman
- Reading of the legal notice
- Chairman’s statement of the application
- Applicant’s description of the application with supporting documentation
- Questions by the Commission
- Other testimony supporting the application
Questions by the Commission
Other testimony opposing the application
Questions by the Commission
Hearing closed

Continuances A public hearing may be continued to any subsequent meeting specified in the order of continuance.

Evidence Attachments to each application shall be recorded by the Clerk at a public hearing as exhibits in numerical order. Additional material or correspondence presented to the Commission during the course of the hearing shall be recorded in like manner. Proceedings at a public hearing may be recorded by the Commission using recording devices.

Minutes Minutes shall be taken at each meeting and public hearing by the Clerk and shall be made available for public inspection by filing with the Town Clerk. Minutes shall record votes of each member and alternate participating in resolutions, transactions or determinations. Copies of the minutes shall be filed with the Town Clerk within seven days of the meetings, Saturdays, Sundays and legal holidays excepted. Copies of the minutes shall be distributed to each member and alternate of the Commission prior to the next regularly scheduled meeting. Minutes shall not be the official record of the Commission until approved by the Commission at a later regular or special meeting.

Votes The vote of each member of the Commission upon any issue before the Commission must be filed with the Town Clerk for public inspection within 48 hours, Saturdays, Sundays and legal holidays excepted.

Executive Session Executive sessions may be convened at a meeting or public hearing only by an affirmative vote of two-thirds of the members voting at a meeting and only when the issues concern one or more of the following: (1) individual personnel; (2) strategy and negotiations with respect to pending litigation and claims; (3) selection of a site or the lease, sale, or purchase of real estate until transactions are completed or abandoned; and (4) public records exempt from disclosure according to the provisions of the Freedom of Information Act.
V. CERTIFICATES OF APPROPRIATENESS

When Required No building or structure shall be erected or altered within the District until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the Commission and approved by the Commission. A certificate of appropriateness shall be required whether or not a building permit is required.

Definitions As used herein, “altered” means changed, modified, rebuilt, removed, demolished, restored, razed, moved or reconstructed; “appropriate” means in conformity with the Rules and Regulations of the Commission and not incongruous with those aspects of the District which the Commission determines to be historically or architecturally significant; “building” means a combination of materials forming a shelter for persons, animals or property; “erected” means constructed, built, installed or enlarged; “exterior architectural features” means such portion of the exterior of a structure or building as is open to view from a public street, way or place; “structure” means any combination of materials, other than a building, which is affixed to the land, and shall include, but not be limited to, signs, fences and walls.

Parking No area within the 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 the Commission. This provision also applies to the enlargement or alteration of any such parking area in existence on October 1, 1973.

Outdoor Signs The style, material, size and location of outdoor advertising signs and bill posters within the District shall also be under the control of the Commission. This provision shall not be construed to extend to the color of paint used on the exterior of any building or structure.

Solar Energy Systems 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 structure involved, its immediate setting or the District. A certificate of appropriateness for such a feature may include stipulations requiring design modifications and limitations on the location of the feature which do not significantly impair its effectiveness.

**Demolition** No demolition permit for demolition or removal of a building or structure within the District shall be issued by the Town or building inspector until a certificate of appropriateness has been issued. If a building in the District is to be demolished, no demolition shall occur for ninety days from 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. During such ninety-day period the Town may abate all real property taxes. At the conclusion of such ninety-day 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.

**Exempted Acts** Nothing in these provisions shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the District which does not involve a change in the appearance, material or design thereof; nor to prevent the erection or alteration of any such feature which the building inspector or similar agent certifies is required by the public safety because of a condition which is unsafe or dangerous due to deterioration.

**Applications** Applications for a certificate of appropriateness may be obtained from the building inspector at the Town offices, or from the Chairman or Clerk of the Commission. Completed applications should be submitted to the Chairman accompanied by such fee as may be set by the Commission from time to time, and by drawings showing in detail the nature of the work to be performed as well as a list of materials to be used. The
Commission shall notify the applicant of the date, time and place of the public hearing at which that application is to be heard. An application shall not be deemed filed until it is complete and received at a regularly scheduled or special meeting of the Commission.

The Commission may request such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of property after such demolition or removal, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

**Standards** 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.

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.

In passing on 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.

**Guidelines** In passing on appropriateness as to exterior architectural features, buildings and structures, the Commission shall adopt guidelines whose purpose shall be to identify, retain and preserve features that are important in defining the overall character of the building, structure or District in addition to any guidelines previously adopted by the Commission. Guidelines may be adopted, amended or revoked by the Commission from time to time at any meeting by the concurring vote of at least four members.
Guidelines shall not be such as to bind the District to any uniform or necessarily traditional style throughout the District, but shall look both to the protection of the old and the interest and distinctiveness of this community.

**Variances** Where, by use of topographical conditions, District borderline situations or because of other unusual circumstances solely with respect to a certain parcel of land and not affecting the District generally, the strict application of these provisions would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, the Commission in passing upon applications shall have power to vary or modify strict adherence to said provisions or to interpret the meaning of said provisions so as to relieve such difficulty or hardship; provided such variance, modification or interpretation shall remain in harmony with the general purpose and intent of these provisions so that the general character of the District shall be conserved and substantial justice done.

**Action by the Commission** The Commission shall pass upon an application within sixty-five days after its filing. Failure by the Commission to act within said sixty-five days shall constitute approval and no other evidence of approval shall be needed by the applicant.

**Approval** The Commission may approve an application for a certificate of appropriateness by the concurring vote of at least three members. The Commission may issue a certificate of appropriateness with or without stipulations. Promptly after a determination of approval is made, a copy of the approved certificate of appropriateness with stipulations, if any, shall be delivered to the applicant and the building inspector, and a copy shall be maintained by the Commission as a part of its files.

**Duration** Certificates of approval shall be valid and remain effective until the applicant ceases to own the property that was the subject of the application.

**Denial** The Commission may deny an application for a certificate of appropriateness in whole or in part by the concurring vote of at least three members when, in the opinion of the Commission, the issuance of such a
certificate would be inappropriate or detrimental to the District. Failure of at least three members of the Commission to vote in favor of the application shall also constitute denial.

Within 48 hours (Saturdays, Sundays and legal holidays excepted) after a determination of denial is made, the Commission shall deliver written notice thereof to the applicant and the building inspector, giving the reasons for its determination which shall include the bases for its conclusion that the proposed activity would not be appropriate. The Commission shall maintain a copy as a part of its files.

Appeal Any person aggrieved by any decision of the Commission may, within fifteen days from the date such decision was rendered, take an appeal to the Superior Court of Hartford County as provided by law.

VI. GENERAL

Enforcement The building inspector shall be 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 these Rules and Regulations or orders made hereunder. The Commission may institute actions in Superior Court to restrain, correct or remove violations. In addition, the Court may impose fines for each day a violation continues, all as provided by Section 7-147h of the Connecticut General Statutes.

Amendments The Commission may adopt, amend or revoke any part or all of these Rules and Regulations by action at a public hearing duly noticed.

Separability If any part of these Rules and Regulations are determined to be invalid by a court of competent jurisdiction, the remainder of these provisions shall be deemed valid and effective.

Non-waiver The Commission is empowered to exercise all powers, duties and functions enumerated in the Ordinance of the Town of Canton effective July 1, 1975; Section 7-147a through Section 7-147h of the Connecticut General Statutes; and the Freedom of Information Act Sections 1-7 through
1-21 of the Connecticut General Statutes, all as amended, and nothing contained in these Rules and Regulations is intended to nor shall be construed to waive or limit such empowerment.

**Effective Date** These Rules and Regulations shall become effective the first day of May, 2000.