

ARTICLE X. CITY OF NEW BRITAIN HISTORIC PRESERVATION COMMISSION
Sec. 19-140. Findings.

The Common Council of the City of New Britain ("council") finds that there exists within the City of New Britain ("city"), many structures, parks, neighborhoods and other areas that have had historic, architectural and economic significance during New Britain's past and which can continue to contribute toward a healthy and thriving future for the city. The council finds that the city's ability to protect, preserve and effectively utilize its architectural and historical heritage and character for aesthetic and economic recovery will be enhanced by an historic preservation ordinance that establishes a mechanism to identify, preserve and enhance distinctive areas, sites, structures and objects that have historic, cultural, architectural, artistic, archeological and environmental significance. The council finds that the city derives much of its charm and unique appearance from its architecture and from its history, especially as the "Hardware Capitol of the World" and a manufacturing center of nationwide importance. The council further finds that historic and architectural preservation is a means of promoting the general welfare and economic development of the city and its residents. In furtherance thereof and pursuant to its authority under the Charter of the City of New Britain and under the Home Rule Act, section 7-147 of the General Statutes, the council has enacted this article.
(Res. No. 31540-2, 9-14-11)

Sec. 19-141. Purpose and intent.

The purpose of this article is to promote the educational, cultural, economic, environmental, and general welfare of the city by:

- (1) Strengthening the city's economy by stabilizing and improving property values and economic activity through the adaptive reuse of historic structures;
- (2) Creating a mechanism to identify, preserve and enhance distinctive areas, sites, structures, features and objects that have historic, cultural, architectural and archeological significance;
- (3) Fostering appropriate use and wider public knowledge and appreciation of such areas, sites, structures, features and objects;
- (4) Protecting and enhancing the attractiveness of the city to homebuyers, homeowners, residents, tourists, visitors, businesses and shoppers;
- (5) Providing a resource for information, education and expertise to those interested in rehabilitation or construction in an historic district or of an historic structure;
- (6) Fostering civic pride in the city's history and development patterns;
- (7) Protecting and enhancing neighborhood character;
- (8) Fostering and encouraging preservation, restoration and rehabilitation that respects the historic, cultural, architectural and archeological significance of distinctive areas, sites, structures and objects; and

(9) Applying design standards in a reasonable and flexible manner to prevent the unnecessary loss of a community's historical features and to ensure compatible construction and rehabilitation in historic districts while not stifling change and development or forcing modern re-creations of historic styles.

(Res. No. 31540-2, 9-14-11)

Sec. 19-142. Establishment; composition and duties.

There is hereby established a historic preservation commission ("commission") whose purpose and duty shall be to carry out the purpose and to administer the provisions of this article.

There shall be in the City of New Britain a historic preservation commission composed of seven (7) electors of said city, appointed by the mayor, in accordance with subsection 5-2(e) of the City Charter. In order to best fulfill the purpose and intent of this article, every reasonable effort shall be made to have at least two (2) members serving on this commission who are qualified professionals in the fields of law, architecture, architectural history, urban planning or urban design. In order to ensure continuity, all members shall be permitted to serve out their terms regardless of any changes in city administration.

The commission shall adopt rules for the transaction of business and, each January, shall designate a chair from its membership and adopt a meeting schedule for the coming year. The commission shall meet at least once each month and shall keep a public record of its activities and in reporting its action upon any matter referred to it by the common council, shall report the results of voting on each matter including votes in favor, votes opposed and abstentions. No member of the commission shall vote on any measure in which he/she shall have any special pecuniary interest.

(1) *Terms/term limits.* Initially, commission members shall be appointed to staggered terms of two (2) to five (5) years and, then, thereafter all to five-year terms. No member shall be permitted to serve more than two (2) consecutive five-year terms without having a break of not less than one (1) year.

(2) *Vacancies.* Any vacancy occurring before the expiration of the full term of an appointed member shall be filled by the mayor for the remainder of such term pursuant to subsection 5-2(e) of the Charter. In the event of a vacancy, the chairperson shall be entitled to recommend to the mayor the names of individuals deemed qualified for consideration for appointment to the commission.

(3) *Chairperson; rules.* The historic commission shall elect annually a chairperson and a vice-chairperson from its members. The commission shall, within a period of sixty (60) days from the adoption of this article, adopt rules of procedure that are consistent with and carry out the intent of this article. Said rules of procedure are subject to council approval.

(4) *Conflict of interest.* No member of the historic commission shall appear for or represent any person, firm, corporation or other entity in any matter pending before the council, or any city board or commission. No member shall participate in discussion or vote upon any matter in which the member is directly or indirectly interested in either a personal or financial manner.

(5) *Compensation.* (i) The members of the historic commission shall serve without compensation but shall be reimbursed for their necessary and reasonable expenses in the performance of their duties. (ii) The council may make appropriations to cover the reasonable expenses of the commission.

(6) *Meetings.* The historic commission shall meet at least once per month in a location determined by the members. A quorum shall consist of a minimum of four (4) members. The commission shall keep records of its meetings and activities and shall, no less than annually, apprise the council of its activities, progress and recommendations.

(7) *Staff and departmental assistance.* For the purposes of carrying out and administering the provisions of this article, the staff of the department of municipal development shall be responsible for providing professional, administrative and secretarial services to the commission. The department of licenses, permits and inspections and the office of the fire marshal shall also be responsible for reviewing and reporting to the commission on any pending matter in which there is a claimed conflict between the historic preservation guidelines and any provisions of state building code, fire code, housing code, Americans with Disabilities Act, etc. (Res. No. 31540-2, 9-14-11)

Sec. 19-143. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commission means the historic district commission, as established pursuant to this article.

Connecticut Commission on Culture and Tourism means the state agency of that name established under section 210 of Public Act 03-6 of the June 30, 2003 Special Session of the General Assembly as amended under section 30 of Public Act 04-2 of the May 2004 Special Session.

Historic district means an area designated as a historic district on the National Register or the state register.

Historic preservation council means the state agency of that name established pursuant to section 10-321b. of the General Statutes.

Local historic district means a historic district established pursuant to Chapter 97a of the General Statutes.

Local historic property means a historic property designated pursuant to chapter 97a of the General Statutes. (1996 Grand List, SHPO MOU)

National Register means the National Register of Historic Places, as maintained by the Secretary of the Interior pursuant to 16 U.S.C. § 1640a.

Protected property means (1) a property which is individually listed on the National Register, the state register or listed as a local historic property and (2) an area, and all sites, structures, features and objects within such area which is part of a national, state or local historic district. (1996 Grand List SHPO MOU)

Secretary of the Interior's Standards means the standards for rehabilitation established by the United States Secretary of the Interior.

State register means the state register of historic places, as maintained by the Connecticut Commission on Culture and Tourism pursuant to section 10-320b of the General Statutes. (Res. No. 31540-2, 9-14-11)

Sec. 19-144. Review by historic preservation commission.

(a) No person or entity may, without first applying and obtaining the approval of the commission, file an application for a demolition permit pursuant to section 7-4 of the Municipal Code, for a building permit pursuant to section 7-1 of the Municipal Code for:

- (1) Any demolition of any protected property or part thereof, or any property for which an application is pending for any level of protected status,
- (2) Any alteration of any such protected property or part thereof if that alteration is visible from a street other than a street which faces only the back of the building, or
- (3) Any construction of a new structure in any local, state or federal historic district.

(b) The commission shall adopt the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, shall develop rules of procedure and shall publish design guidelines to assist applicants in satisfying these standards. The design guidelines shall provide for flexibility in materials and design to promote economic feasibility. The design guidelines shall describe a variety of methods and designs for preserving the historic architectural character of buildings and neighborhoods. The commission shall make reasonable efforts to guide owners in preserving historic architectural character in a cost-effective manner.

(c) The commission's procedures shall make provision for the consideration of economic hardship, including, but not limited to, consideration of the cost of historic preservation recommendations, the economic circumstances of the applicant, the availability of other architecturally appropriate alternatives, the relationship of the cost of historic preservation recommendations to the cost of the proposed project as a whole, and the impact of the historic preservation recommendations on the historic district as a whole and on the value of the property. The rules of procedure shall delineate reasonable submission requirements for hardship applications.

If the applicant objects to compliance with this article because compliance will increase the cost of the alteration subject to review by the commission under this article by more than twenty (20) percent, the applicant shall provide the commission with at least two (2) realistic comparable professional estimates showing the difference in cost between the applicant's proposed alteration and alteration with the modifications requested by the commission. If the commission finds that such difference exceeds twenty (20) percent, the commission shall work with the applicant to find an alternative which will not increase the cost of the alteration by more than twenty (20) percent. The commission shall not require alterations which add more than twenty (20) percent to the cost of the alteration that is subject to review.

(d) Any application for commission approval shall, at the latest, be placed on the agenda of the next commission meeting which occurs more than seven (7) days after receipt of the application. The commission may define one (1) or more classes of minor alterations to be delegated to the department of municipal development ("department") staff for approval or rejection, based upon the applicable design standards. A copy of each approval or rejection by the department shall be transmitted to each member of the commission by the department. Any approval or rejection by the department shall become effective ten (10) days after its issuance. If within such ten-day period the applicant or the chairperson of the commission requests that

the commission review the action of the department, the department's action shall not take effect and the application shall be placed on the next commission agenda for action by the commission. Any application submitted pursuant to this article that is not acted upon by the commission within forty-five (45) days after its filing shall be deemed granted, unless the commission and the applicant have agreed to a longer time period for the completion of commission action upon the application.

(e) Demolition of a protected property shall be approved by the commission only if the applicant establishes, to the satisfaction of the commission, that (1) there is no economically feasible alternative to demolition or (2) the property, through no fault of any owner of the property after the effective date of this chapter, does not contribute to the architectural or historic character of the district and its demolition will not detract from the architectural or historic character of the district.

(f) This article shall not apply to any structure which has been ordered demolished by the department of licenses, permits and inspections or its successor on an emergency basis because it represents so immediate a hazard to public safety that demolition cannot be deferred and the structure cannot be protected, secured, or stabilized by reasonable measures specified by the department of licenses and inspections. Furthermore, this article shall not apply to any repair which has been ordered by the department of licenses, permits and inspections or its successor on an emergency basis because the condition represents so immediate a hazard to public safety or structure integrity that repair cannot be deferred and that the structure cannot be protected, secured, or stabilized by reasonable temporary measures specified by the department of licenses, permits and inspections.

(Res. No. 31540-2, 9-14-11)

Sec. 19-145. Challenges to final decisions.

Any person aggrieved by a final decision of the commission, in regard to an application for approval filed pursuant to this article, may appeal such decision to the ordinance appeals board within fifteen (15) days of receipt of the commission's decision. Any decision by the board shall be based upon the same standards as are to be applied by the commission under this article. Any decision by the board shall include a statement of the reasons for the decision.

(Res. No. 31540-2, 9-14-11)

Sec. 19-146. Addition or modification to historic districts and protected property lists.

In addition to the powers and duties outlined above, the commission may, from time to time, research, consider and make recommendations for adoption of new, expanded or otherwise modified historic districts and may make recommendations for protected historic property status for individual properties that are not currently listed or for the modification of current protected status levels for individual properties. Any such additions, expansions or changes in status resulting from recommendations made by the commission shall be governed by applicable provisions of section 7-147 of the General Statutes and the City of New Britain Code of Ordinances.

(Res. No. 31540-2, 9-14-11)

Sec. 19-147. Enforcement.

The director of the department of licenses permits and inspections and the director of the department of municipal development shall be responsible for the enforcement of this section and shall refer any property owner found in violation to the office of the corporation counsel for appropriate legal action under applicable provisions of state statutes and the Code of Ordinances.

(Res. No. 31540-2, 9-14-11)

Sec. 19-148. Policy of municipal departments and agencies.

It shall be the policy of the City of New Britain and its departments and agencies to give priority to the preservation of the city's historic architecture and character. All departments and agencies of the city, including, but not limited to, those dealing with planning, zoning, health, and safety, shall consider historic and architectural significance and preservation when making decisions concerning whether and how properties should be rehabilitated, mothballed, or demolished, including decisions concerning to whom dispositions of property will be made. Demolition shall be treated as an alternative of last resort and shall be utilized only when other reasonable alternatives do not exist.

(Res. No. 31540-2, 9-14-11)