

Sharon Historic District Commission Rules and Procedures Sharon, Connecticut

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I. Organization of the commission

A. Membership

1. The Sharon Historic District Commission will be organized in accordance with the applicable statutes of the state of Connecticut (Sec. 7-147c as amended).
2. The Board of Selectmen shall appoint members to the commission, regular members for five-year terms and alternate members for three-year terms. Regular members shall elect officers at the annual meeting, the fourth Monday of July each year. At least two regular members and one alternate member shall be residents of the historic district.

B. Officers and duties

1. Chairman

The chairman shall preside at all meetings and hearings of the commission and shall:

- Appoint alternates at meetings to vote in place of absent regular members.
- Appoint a clerk (secretary) pro tem in the absence of the elected clerk.
- Submit the agenda for a meeting with the town clerk at least 24 hours in advance.
- Issue certificates of appropriateness or denials after action by the commission.

2. Vice chairman

The vice chairman shall act for the chairman in the chairman's absence and shall have the authority to perform duties prescribed for that office.

3. Clerk

The clerk (or a secretary under the supervision of the clerk) shall:

- Keep the minutes and records of the commission.
- Arrange proper legal notices of public hearings and regular meetings.
- Attend to any correspondence deemed necessary.
- Maintain a monthly record of commission expenditures on a fiscal-year basis.
- File with the Connecticut Historical Commission and the Sharon town clerk an annual summary of commission actions, including the number and nature of certificates granted and/or denied, changes in membership of the commission, and any other information deemed appropriate by the commission.

4. Enforcement officer

The enforcement officer, if other than the zoning enforcement officer or the building inspector, shall be designated by ordinance. The enforcement officer shall inspect all properties brought to his or her attention and provide a written report monthly to the commission regarding the status of all pertinent properties, violations, and actions taken.

5. Committees

The commission may form committees as deemed necessary.

C. Resignations

Resignations from the commission will be in writing to the board of selectmen and the commission chairman. Any member who misses more than three meetings per year may be asked to resign.

II. Administrative procedures

A. Legal notices

Legal notices will be published in a newspaper having substantial circulation in Sharon not more than fifteen days or less than five days before the hearing.

B. Agenda

The chairman will prepare an agenda for each meeting and submit it to the town clerk not less than 24 hours before any meeting. A copy of the legal notice will serve as the agenda for public hearings.

C. Minutes

The clerk or secretary will record minutes at each meeting and public hearing and file them with the Sharon town clerk within seven business days. Minutes will record votes of each member participating in resolutions, transactions, and determinations.

D. Regulation enforcement

The commission will take action to prevent the violation of any rule or procedure contained herein or in any section of the applicable Connecticut state statutes. The enforcement officer will enforce regulations and orders of the commission and notify in writing the owner and/or agent of any violation and require the remedying of any condition that is found to be in violation. Penalties shall be according to Connecticut General Statutes (Sec 7-147(h) as amended).

E. Rules and procedures revisions

Review of rules and procedures revisions will take place at a public hearing. The adoption of changes will require a majority vote of the commission.

F. Conflict of interest

If for any reason a regular commission member is in conflict with a particular issue, for personal or financial reasons, the member will refrain from participation in the proceedings and/or discussions and will abstain from any vote, and the chairman will appoint an alternate in place of that member.

G. Executive sessions

The SHDC may convene executive sessions only by affirmative vote of two-thirds of the members voting at a meeting and only when concerning the following issues:

- Individual personnel
- Strategy and negotiations regarding pending litigation of claims
- Selection of a site or the lease, sale, or purchase of real estate until transactions are completed or abandoned
- Public records exempt from disclosure, such as preliminary drafts or notes

III. Conduct of meetings

A. Regular meetings

The SHDC will hold regular meetings the fourth Monday of each month at 6 pm in the town hall. All meetings and hearings will require a quorum, which consists of three voting members.

Order of business will be as follows:

- Roll call
- Reading and approval of minutes of preceding meeting
- Applications
- Unfinished business
- New business
- Adjournment

B. Public hearings

The SHDC will hold public hearings as established by state statute. A legal notice will be published in a newspaper having substantial circulation in Sharon not more than fifteen days nor less than five days before the hearing. All public hearings will have minutes taken and be recorded. Any individual, his or her agent, or his or her attorney may present testimony. Applications will be heard in order of submission as shown in the legal notice.

Order of business shall be as follows:

- Roll call
- Chairman reads warning and describes application.
- Applicant presents application detail, drawings, etc.
- Commission may question applicant.
- Interested parties may present supporting testimony.
- Commission may question those in support of application.
- Interested parties may present opposing testimony.
- Commission may question those in opposition to the application.
- Close of public hearing

C. Special meetings

The SHDC will hold special meetings as needed. The chairman will submit the agenda to the town clerk not less than 24 hours prior to such meeting, and no other business than that posted will be transacted.

IV. Certificates of appropriateness

A. Application

Application forms for a certificate of appropriateness are available at Sharon Town Hall. A complete application shall include all requested information, as listed on the application form. Any application fee required must accompany completed applications. With respect to signs, the application will state the size, material, and proposed location(s).

An application will be deemed to have been "filed" within the meaning of Section 7-147e, as amended, of the Connecticut General Statutes when it is received at the next regular meeting of the commission. The date of that meeting will be deemed the date of filing.

The SHDC will hold public hearings on filed applications and take action on said application within 65 days of the filing.

B. Standards for determining appropriateness

No building, structure, or improvement will be erected, altered, restored, moved, or demolished within the historic district until an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by said commission. A certificate of appropriateness will be required whether or not a building permit is required.

For purposes of these regulations, *erected* means constructed, built, installed, or enlarged; *altered* means changed, modified, rebuilt, removed, demolished, restored, razed, moved, reconstructed, or enlarged; *building* means a combination of materials forming a shelter for person, animals, or property; and *structure* shall include, but is not limited to, any material or combination of materials, other than a building that is affixed to the land and shall include, but not be limited to, signs, fences, walls, sidewalks, streets, parking lots, curbs, bridges, dams, monuments, lampposts, bandstands, docks, outdoor fireplaces, swimming pools, statuary, and any other features that are affixed to the land.

Exterior architectural features will include such portion of the exterior of a structure as is open to view from a public street, way, or place. The style, material, size, and location of outdoor advertising signs and bill posters within the historic district will also be under the jurisdiction of the commission.

In addition, no area within the historic district will be used or expanded 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 and approved by the commission.

Ordinary maintenance or repair of any exterior feature that does not involve a change in design or material may be performed without a certificate of appropriateness. In addition, no certificate is required for work certified by the building inspector as necessary for the public safety.

If a building or structure is to be demolished, no demolition will occur for 90 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 90-day period the town may abate all real property taxes. At the conclusion of such 90-day period, the demolition permit will become effective and the demolition may occur. Nothing in this paragraph should be construed to mandate that the owner of such property sell such property, building, or structure.

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, will 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. (SHDC Solar Guidelines are in the Addendum.)

1. Buildings and structures

In determining the appropriateness of exterior architectural features, the commission will consider in addition to any other pertinent factors:

- Historical and architectural value
- Architectural style
- Scale
- General design

- Arrangement
- Texture and material of the architectural features
- Type and style of exterior windows doors, light fixtures, signs, aboveground utility structures, mechanical appurtenances, and the type and texture of building materials
- Relationship thereof to the exterior architectural style and pertinent features of other building and structures in the immediate neighborhood

2. Signs

a. Permanent signs

Any new sign or change in an existing sign must conform to the sign regulations of the Sharon Planning and Zoning Commission as to size, number, and placement. A certificate of appropriateness must be obtained from the historic district commission as to the design of the sign and the material used.

b. Temporary signs for not-for-profit organizations

Signs placed in the historic district advertising not-for-profit events shall observe the following timeframes:

- For one-time or annual events, the signs may be up for two weeks prior to the event.
- For monthly events the signs may be up for five days prior to the event.
- For weekly events the signs may be up for two days prior to the event.

Signs must be removed within 24 hours of the close of the event. If the regulations for temporary signs are followed, there is no need to apply to the historic district commission for permission. If regulations are not followed, the sign will be removed.

3. Parking areas

The commission will consider the visibility of cars parked therein, the closeness of such area to adjacent buildings, and other similar factors.

4. Variations

Where, by reason of topography or other unusual circumstances, strict adherence to the standards would impose exceptional practical difficulty or undue hardship on the applicant, the commission may vary or modify its standards so as to relieve such difficulty or hardship, provided such variation remains in harmony with the general character of the district.

The commission may waive any of these requirements if it deems appropriate.

C. Actions by the commission

After its deliberations the commission will act on each application by majority vote.

1. Approval

If the commission approves the application, it will issue a certificate of appropriateness. The certificate may contain stipulations including, but not limited to, clarifying or identifying types of materials.

A copy of the certificate will be mailed to the applicant. An additional copy, as well as a copy of the application, will be distributed to the building inspector for his file. A copy, along with the original application and attachments, will be maintained in the commission's file.

Certificates will be valid for one year from the date of issue. Extensions of six-month periods may be granted upon request from the certificate holder.

Approved certificates, where the approved work has not been started or completed, will be withdrawn upon the transfer of property ownership. The certificate may be reinstated by the commission without a public hearing, based upon a written request from the new owner and provided no change in the nature of the request is involved.

2. Denial

A certificate of appropriateness may be denied by the commission when, in the opinion of the commission, the issuance of such a certificate would be detrimental to the interest of the historic district.

Written notice of the denial will be sent to the applicant and building inspector. The notice will state the specific reason(s) for denying the application. This notice must be sent within 48 hours of the rendering of such a decision, excluding Saturday, Sunday, and legal holidays.

D. Appeals

Any individual who has been severally or jointly aggrieved by any decision of the commission may within 15 days from the date of such decision take an appeal to the Superior Court of the county of Litchfield in accordance with Section 7-147 of the general statutes of Connecticut governing historic district procedures.

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Addendum: General Statutes of Connecticut

Sec. 7-147c. Historic District Commissions

(d) The historic district commission established under the provisions of this part shall consist of five regular and three alternate members, who shall be electors of the municipality in which the district is situated holding no salaried municipal office. The ordinance shall provide that one or more of the members or alternates of the historic district commission shall reside in an historic district under the jurisdiction of the commission, if any persons reside in any such district and are willing to serve on such commission. Such alternate members shall, when seated as provided in this section, have all powers and duties of a member of the commission. If a regular member of said commission is absent or has a conflict of interest, the chairman of the commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting. The method of appointment shall be fixed by ordinance. The appointments to membership in the commission shall be so arranged that the term of at least one member shall expire each year, and their successors shall be appointed in like manner for terms of five years. Vacancies shall be filled for the unexpired term and in the same manner as the original appointment. The commission shall elect annually a chairman, a vice-chairman and a clerk from its own number. Each member and alternate shall continue in office until his successor is duly appointed. All members and alternates shall serve without compensation. Any member or alternate may be appointed for another term or terms.

Sec. 7-147h. Actions by Historic District Commissions to prevent illegal acts.

(a) If any provision of this part or action taken or ruling made by the historic district commission pursuant to the provisions of said sections or of any regulation or ordinance adopted under said sections has been violated, the commission may, in addition to other remedies, institute an action in the superior court for the judicial district wherein such violation exists, which court shall have jurisdiction to restrain such violation and to issue orders directing that the violation be corrected or removed. Such order may direct the removal of any building, structure, or exterior architectural feature erected in violation of said sections or any bylaw or ordinance adopted under said sections or the substantial restoration of any building, structure, or exterior architectural feature altered or demolished in violation of said sections or any regulation or ordinance adopted under said sections. Regulations and orders of the commission issued pursuant to said sections, or to any regulation or ordinance adopted under said sections, shall be enforced by the zoning enforcement officer or building inspector or any such other person as may be designated by ordinance, who may 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 any provision of the regulations or orders made under the authority of said sections or of any regulation or ordinance adopted under

said sections. (b) The owner or agent of any building structure or place where a violation of any provision of this part or of any regulation or ordinance adopted under said sections has been committed or exists, or the lessee or tenant of an entire building, entire structure or place where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building, structure or place in which such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building, structure or place where such violation exists, shall be fined not less than ten dollars nor more than one hundred dollars for each day that such violation continues; but if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars nor more than two hundred fifty dollars for each day that such violation continues. The superior court for the judicial district wherein such violation continues or exists shall have jurisdiction of all such offenses, subject to appeal as in other cases. Each day that a violation continues to exist shall constitute a separate offense. All costs, fees and expenses in connection with actions under this section may, in the discretion of the court, be assessed as damages against the violator, which, together with reasonable attorney fees, may be awarded to the historic district commission which brought such action. Any funds collected as fines pursuant to this section shall be used by the commission to restore the affected buildings, structures, or places to their condition prior to the violation whenever possible and any excess shall be paid to the municipality in which the district is situated.

Addendum: Sharon Historic District Commission Solar Guidelines

GUIDELINES FOR SOLAR ENERGY SYSTEMS

(Includes Solar Panels, Heat Collectors and other Photovoltaic Systems)

Introduction

As part of the global initiative to encourage energy conservation there is a rapidly growing trend toward retrofitting homes to be more energy efficient. This has brought an increase in the number of applications for installing solar energy systems on buildings within Sharon's locally designated historic district. In keeping with the National Park Service Standards, the national guideline for historic district commissions, installations of publicly visible solar systems are difficult to approve as such installations generally qualify as having an adverse effect on either the historic structure and/or the historic district. In an effort to allow both of these worthy initiatives, historic preservation and energy conservation, the Sharon Historic District Commission has put forth recommended guidelines, as follows.

Sustainability

Before implementing any energy conservation measures to enhance the sustainability of an historic building, the existing energy-efficient characteristics of the building should be accessed. Buildings are more than their individual components. The design, materials, type of construction, size, shape, site orientation, surrounding landscape and climate all play a role in how buildings perform. Historic building construction methods and materials often maximized natural sources of heating, lighting and ventilation to respond to local climatic conditions. The key to a successful rehabilitation project is to identify and understand any lost original and existing energy-efficient aspects of the historic building, as well as to identify and understand its character-defining features to ensure they are preserved. The most sustainable building may be one that already exists. Thus, good preservation practice is often synonymous with sustainability. There are numerous treatments – traditional as well as new technological innovations – that may be used to upgrade a historic building to help it operated even more efficiently. Increasingly stricter energy standards and code requirements may dictate that at least some of these treatments be implemented as part of a rehabilitation project of any size or type of building. Whether a historic building is rehabilitated for a new or continuing use, it is important to utilize the building's inherently sustainable qualities as they were intended. It is equally important that they function effectively together with any new measures undertaken to further improve energy efficiency. (*National Park Service, Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings*)

Recommended	Not Recommended
Considering on-site solar technology only after implementing all appropriate treatments to improve energy efficiency of the building, which often have greater life-cycle cost benefits than on-site renewable energy.	Installing on-site, solar technology without first implementing all appropriate treatments to the building to improve its energy efficiency.
Analyzing whether solar technology can be used successfully and will benefit a historic building without compromising its character or the character of the site or the surrounding historic district.	Installing a solar device without first analyzing its potential benefit or whether it will negatively impact the character of the historic building or site or the surrounding historic district.
Installing a solar device in a compatible location on the site or on a non-historic building or addition where it will have minimal impact on the historic building and its site.	Placing a solar device in a highly-visible location where it will negatively impact the historic building and its site.
Install a solar device on the historic building only after other locations have been investigated and determined infeasible.	Install a solar device on the historic building without first considering other locations.
Install a low-profile solar device on the historic building so that it is not visible or only minimally visible from the public right of way: for example, on a flat roof and set back to take advantage of a parapet or other roof feature to screen solar panels from view; or on a secondary slope of a roof, out of view from the public right of way.	Installing a solar device in a prominent location on the building where it will negatively impact its historic character.

Installing a solar device on the historic building in a manner that does not damage historic roofing material or negatively impact the building's historic character and is reversible.	Installing a solar device on the historic building in a manner that damages historic roofing material and is not reversible.
	Removing historic roof features to install solar panels.
	Altering a historic, character-defining roof slope to install solar panels.
	Installing solar devices that are not reversible.
Installing solar roof panels horizontally—flat or parallel to the roof – to reduce visibility.	Placing solar roof panels vertically where they are highly visible and will negatively impact the historic character of the building.
Investigating off-site, renewable energy options when installing on-site solar devices that would negatively impact the historic character of the building or site.	
BIPV (Building Integrated Photovoltaics) should be considered in the design of and construction of new buildings and additions wanting to use solar within the historic district.	BAPV (Building Applied Photovoltaics) for new construction as an after thought for on site electricity generation.

(NPS, Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings)

GENERAL GUIDELINES for Solar System Equipment (Including: Panels, Heat Collectors and Photovoltaic Systems)

In the historic districts, the greatest potential for using solar systems to heat water or to generate electricity will be on buildings with large flat roofs, high parapets or roof configurations that allow solar devices to be installed with limited or no visibility. All solar equipment installations must be considered on a case-by-case basis recognizing that the best option will depend on the characteristics of the property under consideration. When considering retrofitting measures, historic building owners should keep in mind that there are no permanent solutions. One can only meet the standards being applied today with today's materials and techniques. In the future, it is likely that the standards and the technologies will change and a whole new retrofitting plan may be necessary. Thus, owners of historic buildings should limit retrofitting measures to those that achieve reasonable energy savings, at reasonable costs, with the least intrusion or impact on the character of the building while being mindful of reversibility.

1. On buildings with a **flat roof** (historic building, non-contributing existing building or new construction) solar system equipment may be located, installed at a low angle, so that devices are out of view from the public right-of-way adjacent to the building.
2. On buildings with a **sloped roof** (historic building, non-contributing existing building or new construction) where solar system equipment is to be installed on a **secondary elevation**, not visible from the public right of way:
 - a. Layout of solar equipment shall be sympathetic or appropriate to design and scale of building. Rectangular configurations are preferred, with ample setback from edge of roof, dormers, chimneys, etc.

- b. Solar equipment shall be installed parallel to the existing roof slope and matched as closely as possible to the roof plane;
 - c. Solar equipment shall be installed without destroying or replacing original or historic materials or significantly compromising or altering the building's structural integrity;
 - d. Solar equipment shall be compatible in color to existing roofing insofar as possible;
 - e. Installation of solar equipment shall be as inconspicuous as possible when viewed from the public right of way;
 - f. Installation shall be reversible. Solar equipment shall be removed when no longer viable or functioning and roofing restored to pre-existing conditions; and
3. On buildings with a **sloped roof** (historic building, non-contributing existing building, or new construction) where solar system equipment is to be installed on a **primary elevation**, visible from the right of way additional factors must be taken into consideration. For most historic properties, locating solar equipment on the primary elevation is the least desirable option because it will have the greatest adverse effect on the district and property's character defining features, as well as its effect on the historic streetscape. All other options should be thoroughly explored and ruled out before considering installing solar equipment on a primary elevation. For the installation of solar equipment on primary elevations, proof that all other elevations or locations on property are not viable or feasible visually intrusive or highly visible from the public right of way will be considered appropriate. Solar equipment that is visually intrusive interact negatively with the historic structure resulting from an incompatibility with the subject property's scale, roof slope, color compatibility with the existing roof materials, placement of the building on the subject lot, or the grade of the right-of-way as it exists at the property. Applications for installation on primary elevations, in addition to the foregoing, must also meet each of the requirements and considerations of paragraphs #2 (A through F), above.
4. Solar system equipment may be installed in **side or rear yards**, but may not exceed 8 feet in height. Freestanding or detached on-site solar equipment should be installed in locations that minimize visibility from the public right-of-way. These systems should be screened from the public right-of-way with materials elsewhere in the district such as fencing or vegetation of suitable scale for the district and setting. Placement and design should not detract from the historic character of the site or destroy historic landscape materials. Solar panels are not permitted in front yards.

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