

ARTICLE IV. HISTORIC DISTRICT***Sec. 15-61. Definitions.**

As used in this article, the following terms shall have the meaning indicated:

- (a) *Altered* means changed, modified, rebuilt, removed, demolished, restored, razed, moved or reconstructed.
- (b) *Erected* means constructed, built, installed or enlarged.
- (c) *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.
- (d) *Building* means a combination of materials forming a shelter for persons, animals or property.
- (e) *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.
- (f) *Appropriate* means not incongruous with those aspects of the historic district which the historic district commission determines to be historically or architecturally significant.

(Ord. of 4-23-07(8), § 1)

Sec. 15-62. Established.

In order to promote the educational, cultural, economic and general welfare of the town and others through the preservation and protection of buildings and places of historic interest and through the development of appropriate settings for such buildings and places, a Madison Historic District is hereby established pursuant to G.S. §§ 7-147a to 7-147o inclusive, as may be amended.

(Ord. of 4-23-07(8), § 2)

***Editor's note**—Ord. of 4-23-07(4) repealed Art. IV, titled Preservation Board and consisting of §§ 15-61—15-63. Said article derived from Ord. of 1-19-81. Ord of 4-23-07(8) enacted the new provisions set out herein.

Sec. 15-63. Establishment of Madison Historic District Commission.

A Madison Historic District Commission consisting of five (5) members and three (3) alternate members is hereby established. It shall be the purpose of the commission to perform the duties and functions of a historic district commission as provided in G.S. §§ 7-147a to 7-147o, inclusive, as may be amended.

(Ord. of 4-23-07(8), § 3)

Sec. 15-64. Organization of historic district commission.

The board of selectmen shall appoint five (5) members and three (3) alternate members to the commission in such a manner that the terms of one (1) member shall expire on the first day of January of each year commencing in 2007 and continuing to 2011 inclusive, and the terms of one (1) alternate member shall expire on the first day of January of each year commencing in 2007 and continuing to 2009 inclusive. All subsequent appointments shall be made by the board of selectmen and shall be for a term of five (5) years each except that an appointment to fill an unexpired term shall be for the duration of such unexpired term only. At all times one (1) or more of the members or alternates of the historic district commission shall be residents in a historic district under the jurisdiction of the commission, if there are such residents willing to serve on such commission. Members and alternate members shall be electors of the town holding no salaried town office. Within a period of thirty (30) days after the appointment of members to the first commission, such members shall meet, organize, and elect a chairman, vice-chairman and clerk from its own members. Within a period not exceeding thirty (30) days after the first day of January of each succeeding year commencing in 2007, the members of the commission shall elect a chairman, vice-chairman and clerk from its own members. When a member of the commission is unable to act at a particular time because of absence, illness or self interest, or other good reason, he shall notify the chairman of the commission, and the chairman shall designate an alternate member to

serve in place of the member. All members and alternate members shall serve without compensation.

(Ord. of 4-23-07(8), § 4)

Sec. 15-65. Powers of historic district commission.

The historic district commission shall be vested with all powers and shall faithfully perform all duties imposed upon historic district commissions in G.S. §§ 7-147a to 7-147o inclusive, as may be amended. The Commission shall fix the time and place of its regular meetings. The presence of four (4) members or alternate members shall constitute a quorum, and no resolution or vote shall be adopted by less than three (3) affirmative votes. The commission may adopt regulations, rules of procedure and orders to carry out the purpose of this article.

(Ord. of 4-23-07(8), § 5)

Sec. 15-66. Certificate of appropriateness.

(a) No building or structure shall be erected, altered, restored, moved or demolished within the historic 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. Exterior architectural features shall include such portion of the exterior of a structure as is open to view from a public street, way or place. A certificate of appropriateness shall be required whether or not a building permit is required. The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure.

(b) 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 conditions and appearance of the 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.

(Ord. of 4-23-07(8), § 6)

Sec. 15-67. Application for certificate; hearing; approval.

The historic district commission shall hold a public hearing upon each application for a certificate of appropriateness. Notice of time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the town not more than fifteen (15) days or less than five (5) days before such hearing. The commission shall pass upon such application and shall give written notice of its decision to the applicant. When a certificate of appropriateness is denied, the commission shall place upon its records and in the notice to the applicant the reasons for its determination. In the notice to the applicant the commission may make recommendations relative to design, arrangement, texture, material and similar features. The commission may issue a certificate of appropriateness with stipulations. Evidence of approval, as referred to in section 15-66, shall be a certificate of appropriateness issued by the commission. Failure of the commission to act within sixty-five (65) days shall constitute approval and no evidence of approval shall be needed. The Commission shall keep a record of all applications for certificates of appropriateness and of its entire doings.

(Ord. of 4-23-07(8), § 7)

Sec. 15-68. Considerations in determining appropriateness.

(a) If the historic district commission determines that the proposed erection, construction, restoration, alteration or razing will be appropriate, it shall issue a certificate of appropriateness. 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 mate-

rial 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. A certificate of appropriateness may be refused for any building or structure, the erection, reconstruction, restoration, alteration or razing of which, in the opinion of the commission, would be detrimental to the interest of the historic district.

(b) In its deliberations, the historic district commission shall not consider interior arrangement or use and shall take no action except for the purpose of preventing the erection, reconstruction, restoration, alteration or razing of buildings in the historic district obviously incongruous with the historic aspects of the district.

(Ord. of 4-23-07(8), § 8)

Sec. 15-69. Variances and modifications.

Where, by reason of topographical conditions, district borderline situations, immediately adjoining existing developments or because of other unusual circumstances, the strict application of any provisions of G.S. §§ 7-147a to 7-147o, inclusive, as may be amended, 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 the sections or to interpret the meaning of the sections 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 such sections so that the general character of the district shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will in its judgment better fulfill the purpose of such sections.

(Ord. of 4-23-07(8), § 9)

Sec. 15-70. Action by historic district to prevent illegal acts.

(a) If any action or ruling taken by the commission pursuant to the provisions of G.S. §§ 7-147a to 7-147o inclusive, as may be amended, has been violated, the commission may, in addition to

other remedies, institute an action or proceeding in the superior court for the judicial district wherein such violation exists to prevent such unlawful erection, construction, reconstruction, alteration, razing, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land. Regulations and orders of the commission issued pursuant to such sections of the Connecticut General Statutes shall be enforced by the zoning enforcement officer or the designee of the first selectman who is hereby 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 such sections of the Connecticut General Statutes.

(b) The owner or agent of any building or premises where such a violation has been committed or exists, or where the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building or premises 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 which such violation exists, shall be fined not more than one hundred dollars (\$100.00) for each day that such violation continues, but, if the offense is willful, the person convicted thereof shall be fined not more than two hundred fifty dollars (\$250.00) 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.

(Ord. of 4-23-07(8), § 10)

Sec. 15-71. Appeals.

Any person severally 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 superior court for the judicial district of New Haven which appeal shall

be made returnable to such court in the same manner as that prescribed for civil actions brought to such court. Notice of such appeal shall be given by leaving a true and attested copy thereof in the hands of or at the usual place of abode of the chairman or clerk of the commission within twelve (12) days before the return day to which such appeal has been taken. Procedure upon such appeal would be the same as that defined in G.S. § 8-8.

(Ord. of 4-23-07(8), § 11)

Sec. 15-72. Exempted acts.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior feature in the historic district which does not involve a change of appearance or design thereof nor to prevent the construction, reconstruction, alteration, or demolition of any such appearance or feature which the building inspector certifies is required by the public safety because of an unsafe or dangerous condition; nor to prevent the construction, reconstruction, alteration or demolition of any feature under a permit issued by the building inspector prior to the effective date of establishment of the district.

(Ord. of 4-23-07(8), § 12)

Sec. 15-73. Boundaries.

The boundaries of the Madison Historic District shall be defined as follows:

Starting on the north side of Meetinghouse Lane at the intersection with Copse Road, the northern boundary runs easterly along the rear lot lines of the properties on Meetinghouse Lane and School Street across Academy Street to include the property at 581 Boston Post Road. The eastern boundary follows the eastern property line of 581 Boston Post Road, proceeds westerly along the centerline of Boston Post Road, then follows the easterly property line of 558 Boston Post Road on the south. The southern boundary runs westerly along the rear property lines of 558 through 438 Boston Post Road, except that at 8 West Wharf Road, it follows a line that connects the rear corners of 498 and 448 Boston Post Road. The western boundary line follows the western property line of 446 Boston Post Road, proceeds

easterly along the centerline of Boston Post Road, then follows the western property line of 1 Advent Hill. The north boundary line follows the rear property lines from 1 Advent Hill east along Boston Post Road and Britton Lane to Copse Road where it follows the centerline of the road to the starting point.

(Ord. of 4-23-07(8), § 13)

Secs. 15-74—15-80. Reserved.