

# Chapter 320

## Historic Preservation

### ARTICLE I

### Liberty Green Historic District

### [Originally Adopted 10-17-1979]

#### **§ 320-1. Purpose and description. [Amended 05-04-2020]**

A. Purpose. To promote the educational, cultural, economic and general welfare and to preserve the historic and architectural character of certain areas of the Town through the preservation and protection of buildings and places of historic interest, by the maintenance of such as landmarks in the history of architecture and of the Town, the state, and the nation, and through the development of appropriate settings for such buildings, there is hereby established an historic district in the Town, to be known as "Liberty Green Historic District." The boundaries of the historic district are shown on a map incorporated herein by reference and titled "Liberty Green Historic District."

B. Description. The following geographical description of the Liberty Green Historic District is based on current land records and maps of the Assessor, Town of Clinton:

(1) Southern boundary. Beginning at a point being the southwest corner of property now or formerly of Joseph and Virginia Kabe (Lot No.22), the boundary of the Liberty Green Historic District extends on a direct line southeasterly along property now or formerly of the Town of Clinton (Lot No. 23) thence across the west branch of Liberty Street to a point being the southwestern corner of property now of the Town of Clinton (Lot No. 26) and known as the "Green" or "Common," thence southeast along the southern boundary of said Green to a point being the southeast corner of said Green, thence on a direct line southeasterly across the east or main Liberty Street right-of-way to a point being the southwest corner of the property now or formerly of 3 Liberty Green, LLC (Glenn Coutu) (Lot No, 6) thence along the southern boundary of said 3 Liberty Green LLC to a point being the southeast corner of said 3 Liberty Green LLC.

(2) Eastern boundary. Beginning at a point being the southeast corner of aforesaid 3 Liberty Green, LLC property, (Lot No. 6) the Liberty Green Historic District boundary extends generally northeast along the rear or east boundary of said 3 Liberty Green, LLC to a point being the northeast corner of said 3 Liberty Green, LLC, thence northeast along the rear or east boundary of property now or formerly of Peggy Adler (Lot No. 5) to a point being a junction of said Adler boundary with that of property now or formerly of Tora Marici (Lot No. 4), thence running southeasterly along the southern boundary of said Marici to a point being the southeast corner of said Marici and thence turning northeasterly along the rear or east boundary of said Marici to a point being the junction of said Marici boundary with southerly boundary of property now or formerly of Marilyn & Michael Sexton and Tyler Peska (Lot No.3-2) thence turning and running in an easterly direction along the southerly boundaries of the property of Marilyn & Michael Sexton and Tyler Peska (Lot No.3-2) and of James & Magda McCarthy (Lot

No. 3-1) in part by each, to a point being the southeast corner of said McCarthy, thence turning and running in a northerly direction along the rear or east boundary of property now or formerly of the said McCarthy and of Richard Manley & Eric Ambler (Lot No. 2), in part by each to a point being the northeast corner of said Manley/Ambler.

(3) Northern boundary. Beginning at a point being the northeast corner of aforesaid Manley/Ambler property, the Liberty Green Historic District boundary extends northwesterly along the northern boundary of said Manley/Ambler to a point being the northernmost corner of said Manley/Ambler, thence continuing northwesterly along the northern boundary of property now or formerly of Alice and Dennis Parker to a point being the northwest corner of said Parker (Lot No. 1) , thence following the course, the Liberty Green Historic District boundary extends across Liberty Street and the Liberty Street right-of-way at a point being the northeasterly corner of property now or formerly of Paul J. And Shirley T. Birkmeyer.

(4) Western boundary. Beginning with the point heretofore described on the west side of the Liberty Street right-of-way, being the northeasterly corner of property now or formerly of Paul J. And Shirley T. Birkmeyer , the Liberty Green Historic District boundary continues generally southwest along the west boundary of the Liberty Street right-of-way to a point being the northeast corner of property now or formerly of Andrew and Karen Marzano (Lot No.24); thence running northwesterly along the southerly boundary line of property now or formerly of Paul J. And Shirley T. Birkmeyer a distance of 432 feet more or less to the Easterly boundary of property now or formerly of Shiu Cho-kwong & Shiu Chien; thence turning and running in a southerly direction along land of the said Shiu Cho-kwong & Shiu Chien to the northerly corner point of land now or formerly of the Clinton Historical Society thence turning and running in a generally southeasterly and southerly direction along the property of the said Clinton Historical Society to the northwest corner of property now or formerly of the Town of Clinton (Lot No. 23); thence continuing in a generally southerly direction to the northeast corner of the property now or formerly of Joseph and Virginia Kabe (Lot No.22); thence running westerly and southerly along the northerly and westerly boundaries of the property now or formerly of Joseph and Virginia Kabe (Lot No.22).

## **§ 320-2 Historic District Commission [Amended 05-04-2020]**

A. Establishment of Commission. An Historic District Commission is hereby established and shall consist of five members and three alternate members, with overlapping terms, who shall be bonafide resident electors of the Town holding no salaried Town office. All appointments shall be made by the Town Council and shall be for a term of four years, except that an appointment to fill an unexpired term shall be only for the duration of said unexpired term.

### **B. Organization.**

(1) Within a period not exceeding 30 days after the first of January of each year, the members shall elect a Chairman and Vice Chairman from its members. Alternate members shall not participate in election of officers of the Commission. All members and alternates shall serve without compensation.

(2) The Commission shall fix the time and place of its regular meetings, which shall be held at least quarterly, and provide a method for calling special meetings. The presence of four members or alternate members shall constitute a quorum, and no resolution or vote, except a vote to adjourn or to fix the time and place of its next meeting, shall be adopted by fewer than three affirmative votes.

**§ 320-3. Powers and duties of Commission.**

The Commission shall have such powers, shall perform such functions, and shall be subject to such limitations as shall, from time to time, be prescribed by the applicable General Statutes of Connecticut. The Commission shall adopt rules of procedure and may adopt regulations not inconsistent with said statutes; may, subject to appropriation, employ clerical and technical assistance; and may accept money gifts and expend the same for purposes consistent with this article. The Commission shall perform all the functions of an historic district study committee relative to establishing new historic districts, as provided in the General Statutes, and from time to time may suggest proposed amendments to this article.

**§ 320-4. Certificate of appropriateness required.**

A. No building or structure shall be erected, altered, restored, moved or demolished within the Liberty Green Historic District until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to 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. The style, material, size and location of outdoor advertising signs and bill posters within the Liberty Green Historic District shall also be under the control of the Commission. The provisions of this section shall not be construed to extend to color of paint used on the exterior of any building or structure.

B. No area within the Historic District shall be used for industrial, commercial, business, home industry or occupation 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 and approved by said Commission.

**§ 320-5. Hearing and decision on application for certificate of appropriateness.**

A. The Commission shall hold a public hearing upon each application for a certificate of appropriateness. Notice of the 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 at least seven days before such hearing. The Commission shall pass upon such application and shall give written notice of its decision to the applicant. Evidence of approval, as referred to in § 320-4, shall be a certificate of appropriateness issued by the Commission. The Commission shall set forth its reasons for approving or denying each application for a certificate of appropriateness in a written notice of its decision to the applicant and in the record of its proceedings. Failure of the Commission to act within 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 all its doings. **[Amended 8-5-2009]**

B. In its deliberations the Commission shall not consider interior arrangement or use and shall take no action except for the purpose of preventing the erection, reconstruction, alteration or razing of buildings or parking in the Liberty Green Historic District obviously incongruous with the historic aspects of the district.

**§ 320-6. Determination of appropriateness.**

If the Commission determines that the proposed erection, construction, restoration, alteration, razing, moving or parking will be appropriate, it shall issue a certificate of appropriateness. In the passing upon appropriateness the Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture and material of the architectural features involved and the relationship thereof to the architectural style and pertinent features of other structures in the immediate neighborhood. In passing upon 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. A certificate of appropriateness may be refused for any building or structure the erection, reconstruction, restoration, alteration, moving or razing of which, in the opinion of the Commission, would be detrimental to the interest of the Liberty Green Historic District.

**§ 320-7. Variances or 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 C.G.S. §§ 7-147a to 7-147k, inclusive, amended, or of this article 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 sections or to interpret the meaning of said sections so as to relieve such difficulty or hardship, provided that such variance, modification or interpretation shall remain in harmony with the general purpose and intent of said 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 said sections.

**§ 320-8. Enforcement; penalties for offenses. [Amended 8-5-2009]**

If any action or ruling taken by the Commission pursuant to the provisions of C.G.S. §§ 7-147a to 7-147k, inclusive, as amended, or pursuant to the provisions of this article has been violated, the Commission may, in addition to other remedies, institute an action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, razing, maintenance or use for parking 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 said sections of the General Statutes of Connecticut, as amended, or this article, shall be enforced by the Building Official of the Town of Clinton. The Building Official 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 said sections of the General Statutes of Connecticut, as amended, or this article. The owner or agent of any building or premises where such a violation has been committed or exists, or the owner, agent, lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in such violation, shall be fined not less than \$10 nor more than \$100 for each day that such violation continues. However, if the offense is willful, the person convicted thereof shall be fined not less than \$100 nor more than \$250 for each day that such violation continues, and the Superior Court for the 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.

#### **§ 320-9. Appeals.**

Any person or persons severally or jointly aggrieved by any decision of the Commission or of any officer thereof may, within 15 days from the date when such decision was rendered, take an appeal to the Superior Court, 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 12 days before the return day to which such appeal has been taken. Procedure upon such appeal should be the same as that defined in C.G.S. § 8-8, as amended.

#### **§ 320-10. Exemptions. [Amended 8-5-2009]**

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any feature in the Liberty Green Historic District which does not involve a change of design thereof, nor to prevent the construction, reconstruction, alteration, or demolition of any such feature which the Building Official certifies is required by the public safety because of unsafe or dangerous condition, nor to prevent the construction, reconstruction, alteration or demolition of any such feature under a permit issued by the Building Official prior to the effective date of establishment of the district.

#### **§ 320-11. Recording.**

This article and any amendment hereof shall be recorded in the Land Records of the Town of Clinton and indexed by the Town Clerk in the Grantor Index under the names of the owners of record of such real property as is included within the district.