

Town of Harwinton
Historic District Ordinance

Whereas the Town of Harwinton desires to preserve and protect the historic values of our town, and whereas the pre-Revolutionary thorough-fare established in approximately 1686 is still in use as are 18th century residences which stand along its sides, and whereas these places of historic character conform with the standards of the Connecticut Historical Commission, therefore, under the laws of the State of Connecticut we establish an Historic District and ordain as follows:

Section 1 - Intent

It is the intent of this ordinance to promote the educational, cultural, economic and general welfare of the Town of Harwinton through the preservation and protection of buildings and places of historic interest within the Town of Harwinton; to preserve and protect the several architectural phases recognizable in Harwinton's history.

Section 2 - Purpose

The purpose of this ordinance is to carry out the provisions of Sections 7-147A through 7-147K of the Connecticut General Statutes concerning historic districts as amended, herein referred to as the Act.

Section 3 - Commission

A. Establishment

The Harwinton Historic District Commission is hereby established which shall have such powers and limitations and perform such functions as shall be prescribed under the General Statutes of Connecticut and as provided in this Ordinance.

B. Composition

The Commission shall consist of five regular members and three alternate members, all of whom shall be electors of the town holding no salaried town office and shall serve without compensation. At least three regular members and

one alternate member shall be residents within the Harwinton Historic District, if any persons so qualified are willing to serve on the Commission.

C. Terms

The terms of the original members of the commission shall be such that the term of at least one regular member and one alternate member shall expire each year. Their successors shall be appointed for terms respectively of five years for regular members and three years for alternate members, except that an appointment to fill a vacancy shall be for the duration of the unexpired term.

D. Officers

Within thirty (30) days after appointment of the original members of the Commission, and annually thereafter, the regular members shall meet and elect officers as specified in the Act. Alternate members shall not participate in the vote for election of officers of the Commission.

E. Appointment

Members shall be appointed within 30 days of the passage of this Ordinance. Appointments shall be made by the Board of Selectmen.

F. Quorums

Three members or designated alternates of the Commission shall constitute a quorum for the transaction of its business or the performance of its functions and the concurring vote of a majority of those constituting a quorum shall be necessary for the adoption of any recommendation, motion or other act of the Commission; except that the affirmative vote of at least three members or designated alternates shall be necessary for the approval of a certificate of appropriateness.

G. Designation of Alternates

When a member of the Commission is unavailable to act at a particular time due to absence, sickness, conflict of interest or other good reason, the chairman shall designate an alternate member to act in place of such member, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible.

Section 4 - Certificate of Appropriateness Required

No building or structure shall be erected, altered, restored, or moved within the historic district until after an application for a certificate of appropriateness as to exterior architectural features has been received by the Commission and approved by said Commission. No building permit for erection of a building or structure or for alteration of an exterior architectural feature within an historic district and no demolition permit for demolition or removal of a building or structure within the historic district shall be issued by the Town of Harwinton or any department, agency, or official thereof until a certificate of appropriateness has been issued. A certificate of appropriateness shall be required whether or not a building permit is required. The style, material, size and location of signs and fences within an historic district shall also be under the control of such Commission. In addition, the Commission shall exercise such other authority granted to it by law.

Section 5 - Unregulated Activities

This Ordinance shall not be construed to regulate:

1. The color of paint on the exterior of any building or structure.
2. Interior arrangements or use.
3. The ordinary maintenance or repair of any exterior feature which does not involve a change of design or appearance.
4. Vegetation or natural landscape features.
5. Exterior architectural features not visible from a public street, way or place if any obstructing vegetation were removed.

Section 6 – Procedure

A. Filing Application

An application for a certificate of appropriateness shall be filed with the Commission through the office of the Harwinton Building Official, and shall be deemed received as of the date of the Commission's next regularly scheduled meeting.

B. Notice, Hearings, and Approvals

- I. The Historic District Commission shall hold a public hearing upon each application for a certificate of appropriateness unless the Commission determines that such application involves items not subject to approval by the Commission. The Commission shall fix a reasonable time and place for such hearing. Notice of the time and place of such hearing shall be published in a newspaper having circulation in the Town of Harwinton not more than fifteen (15) days and not less than five (5) days before such hearing. Also notification of the hearing will be given by certified mail to the owners of property within the district within one hundred feet (100') of the subject property.
- II. The Commission shall act upon an application within sixty-five (65) days of its receipt or the application shall be deemed approved as submitted and a certificate of approval shall be issued. In acting upon an application, the Commission may approve, deny or modify the application by imposing conditions of approval, but in any event, the Commission shall state in its records and notice to the applicant, the reason for its decision. Notice of the Commission's decision shall be sent to the applicant by certified mail and shall be published in a newspaper having a circulation in the Town of Harwinton within fifteen (15) days of the decision. Any person aggrieved by the Commission's action may appeal to the Superior Court for the Judicial District of Litchfield in the time and manner provided by Connecticut General Statutes, Section 7-147i.
- III. All hearings and meetings of the Commission at which decisions are made shall be open to the public. The Commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating thereon.

C. Commission Action

In its deliberations, the Commission shall act only for the purpose of controlling the erection, demolition or alteration of buildings, structures or parking, visible from the public right of way, which are incongruous with the historic or architectural aspects of the District.

D. Adoption of Rules

The Commission shall adopt rules of procedures which it deems necessary to carry out the intent of sections 7-147A through 7-147K of the General Statutes and the intent expressed in Section I above. The Commission shall adopt guidelines consistent with the provisions of sections 7-147A through 7-147K, inclusive, to provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness. Such guidelines shall not bind the Historic District Commission to any uniform or necessarily traditional style throughout the district, but shall consider both the protection of the District's historic assets and environment, as well as the interest and distinctiveness of this community.

Section 7 - Commission Duties

A. Relationship to other Commissions

The Commission and other town commissions and officials whose areas of concern may overlap or affect each other shall maintain liaison for information and coordination in matters with which the Commission may be dealing.

B. Annual Report

The Commission shall make an annual report of its activities to the Town. In addition, the Historic District Commission shall file with the Connecticut Historical Commission at least once every year a brief

summary of its actions during that year, including a statement of the number and nature of certificates of appropriateness issued, any changes in the membership of the Commission, and any other information deemed appropriate by the Historic District Commission.

C. Cooperation and Coordination

The Commission may:

- I. Provide information to property owners and others involved in the preservation of the District.
- II. Initiate planning and zoning proposals.
- III. Cooperate with other regulatory agencies and civic organizations and groups interested in historic preservation.
- IV. Comment on applications for subdivision approvals, zoning variances, site plan approvals and special exceptions where they affect the District.
- V. Render advice on tree planting, street improvements and the erection or alteration of public buildings within or affecting the District.
- VI. Furnish information and assistance in connection with any capital improvement program involving the District.

Section 8 – Citizen Involvement

For the purpose of encouraging the participation and support of interested residents of the Historic District who are not members of the Historic District Commission, and apart from the provision in the Act for formal appeals from the Commission decisions by aggrieved parties, and other than the required public hearings by the Commission upon application for certificate of appropriateness, the Commission shall hold meetings with residents of the District when at least twenty percent (20%) of the owners of real property in the District make written petition to the Commission for such a meeting to discuss matters of policy or other matters that may be at issue between property owners and the Commission. The Commission shall call meetings so requested

within sixty-five (65) days, shall not be bound by the meetings, but in formulating policy shall be responsive to the sentiments of the community insofar as its best judgment suggests and the power and limitations derived from the General Statutes permit.

Section 9 - Agricultural Uses

In recognition of Harwinton's early history as an agricultural society, the Historic District Commission shall consider as special and overriding issues the needs of any owner who earns a principal livelihood through agricultural endeavors within the district which were established at the time of its creation. In such cases the role of the Commission shall be to counsel the owner and seek alternatives toward appropriate change and development. If the proposed development is to facilitate the continued earning of a livelihood through agriculture, the Historic District Commission shall not deny a certificate of appropriateness such as to create a hardship for the owner or deny his continued livelihood.

Section 10 - Backland Access Way

It is recognized that some parcels in the Historic Districts may be only portions of an owner's holding, with backland in the same parcel not included in the Districts. In such situations the Historic District Commission may not deny a proposal for constructing a road or driveway or erection of a sign on or through the area in the Historic District being constructed for the purpose of access to the backland. An owner shall be required to apply for a certificate of appropriateness which shall be granted accompanied by design recommendations from the Commission if deemed appropriate by the Commission.

Section 11 - Enforcement

Regulations and orders of the Commission issued pursuant to the Act or to this ordinance shall be enforced by the Zoning Enforcement Official.

Section 12 - District Boundaries

There are hereby established two historic districts in the Town of Harwinton which are set forth below as Catlin Corners District and Center Corners District.

Catlin Corners District

Beginning on Harmony Hill Road at the northwest corner of property N/F of Bruce and Mary Louise Alexsavich proceeding easterly along the northerly boundary then southerly along the easterly boundary of said Alexsavich to its intersection with the northerly boundary of property N/F of Rosamond Norton, then easterly along that

boundary to a point 550' from Harmony Hill Road, then southerly in a straight line across property of said Norton, then property N/F of Irving and Rosamond Norton, then property N/F of Gary and Joan Comminotti, then property N/F of Dirk Patterson to the northeast corner of property N/F of Edward and Margaret Vrabec, then continuing southerly along the easterly boundary of said Vrabec, then southerly along the easterly boundary of property N/F of Julian and Anna Cheeca, then southerly, westerly and southerly along the easterly boundary of land N/F of Henry David, et al. to its intersection with Burlington Road.

From that point the District boundary proceeds southerly across Burlington Road to the northeast corner of land N/F of Brett R. Quinion, then southerly, easterly and southerly along the easterly border of said Quinion to its intersection with land N/F of Henry and Evelyn Camp, then westerly along the southerly boundary of said Quinion to its intersection with Locust Road.

From that point the District Boundary proceeds south across Locust Road in a straight line to the southeasterly corner of land N/F of Carol Stillwagon, then westerly along the southerly boundary and northerly along the westerly boundary of said Stillwagon, then northerly along the westerly boundary of land N/F of George J. Young to its intersection with Burlington Road.

From that point across Burlington Road to the southwest corner of land N/F of Kathryn Baker, shown as D6-2-11 on the Historic District map, then northerly along the western boundary and easterly along the northern boundary of said Baker, then northerly along the western boundary of land N/F of Joyce Wilson, then northerly along the western boundary and easterly along the northern boundary of land N/F of John A. Stevenson to the southwest corner of land N/F of James and Elizabeth Sawyer, then northerly along the westerly boundary and easterly along the northerly boundary of said Sawyer to the southwesterly corner of land N/F of Randolph Smith, then northerly along the westerly boundary of said Smith.

From the northwestern corner of said Smith, the District Boundary will proceed in a straight line across properties N/F of Stephen and Heather Braddock, N/F of Carol Crain, and N/F of Spencer Reynolds, said line running parallel to Harmony Hill Road in a northerly direction to the northern boundary of said Reynolds, then easterly along the northern boundary of said Reynolds to its intersection with Harmony Hill Road, from whence it crosses Harmony Hill Road in a northeasterly direction to the point of origin.

Center Corners District

Beginning at the northeasterly corner of Center Cemetery southerly along the east boundaries of the Cemetery, property N/F Sayra Poole, property N/F Congregational Church Parsonage, property N/F Vincent Minella, then southerly across properties N/F Clarence and Judith Brown and N/F Randolph Smith Jr. in a straight line to the northeast corner of land N/F Wayne and Sandy Murphy, then southerly along easterly border of land N/F of said Murphy, then southerly across land N/F of Randolph Smith Jr. and N/F Harwinton Tennis Club to the northeast corner of land N/F of Walter and Germaine Bell, then southerly along easterly border of land N/F of said Bell, then crossing Village Lane to the northeast corner of land N/F of Robert and Judith Monoskey, continuing southerly along easterly border of land N/F of said Monoskey, then easterly along northerly border of land N/F of Alphonsus and Phyllis Manzi, southerly along easterly border of land N/F of said Manzi, then westerly along southerly border of land N/F of said Manzi to the intersection of that property line with South Road, then southwestly across South Road to the southeasterly corner of South Cemetery, then westerly along the south border of South Cemetery and northerly along the westerly border of South Cemetery to its intersection with the southerly boundary of land N/F of Douglas and Deborah Doyle, then westerly along the southerly boundary of land N/F of said Doyle, then northerly along westerly boundary of land N/F of said Doyle.

From the northwesterly corner of land N/F of said Doyle, the district boundary shall proceed northerly in a straight line across properties N/F of Keith and Donna Kron, N/F of Elizabeth Goodwin, and N/F Susan Glazier to the southwestly corner of property N/F John and Mary Jane Febroriello, shown as C6·5·9 on the Historic District map, then northerly along the westerly boundary of said property, then northerly along the westerly boundary of further property N/F of said Febroriello shown as C6·5·12 on the

Historic District map to the intersection of that boundary with the southerly boundary of land N/F of Howard and Arlene Winterson, then westerly along the southerly border of said Winterson and northerly along the westerly boundary of said Winterson to its intersection with property of N/F of Leon Graham and John Ring.

From the southwesterly corner of property N/F of Leon Graham and John Ring, the district boundary shall run in a straight line through property of the Town of Harwinton westerly to the southeast corner of property N/F Frank and Elizabeth Rybak, then westerly along the southern boundary of land N/F said Rybak, then westerly along the southerly boundary of land of Town of Harwinton, then northerly along the westerly boundary of land of Town of Harwinton, and continuing in a straight line across Litchfield Road to the southerly boundary of land N/F Michael and Diane Rybak, then westerly along the southerly boundary, northerly along the westerly boundary (being Cemetery Road) and easterly along the northerly boundary, all N/F of said Rybak.

From the northeasterly corner of land N/F of said Rybak (at Catlin Brook Bridge) the Historic District boundary shall proceed easterly in a straight line across Birge Park Road and land N/F of Immaculate Heart of Mary Church to the northwest corner of land N/F of John and Helene Gerardo, then generally easterly along the northerly boundary of land N/F of said Gerardo, then easterly, southerly and easterly along the northerly boundary of land N/F of Marvin McMillen and Victoria Elliot, then northerly along the westerly boundary and easterly along the northerly boundary of land of Harwinton Congregational Church, then easterly across North Road to the northwest corner of land N/F of Leon and Marjorie Francisco, then easterly along the northerly boundary and southerly along the easterly boundary of land N/F of said Francisco, then easterly along the northerly boundary of a triangular parcel of land N/F of Town of Harwinton to its eastern most point, then southerly across Burlington Road to the point of origin.

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