

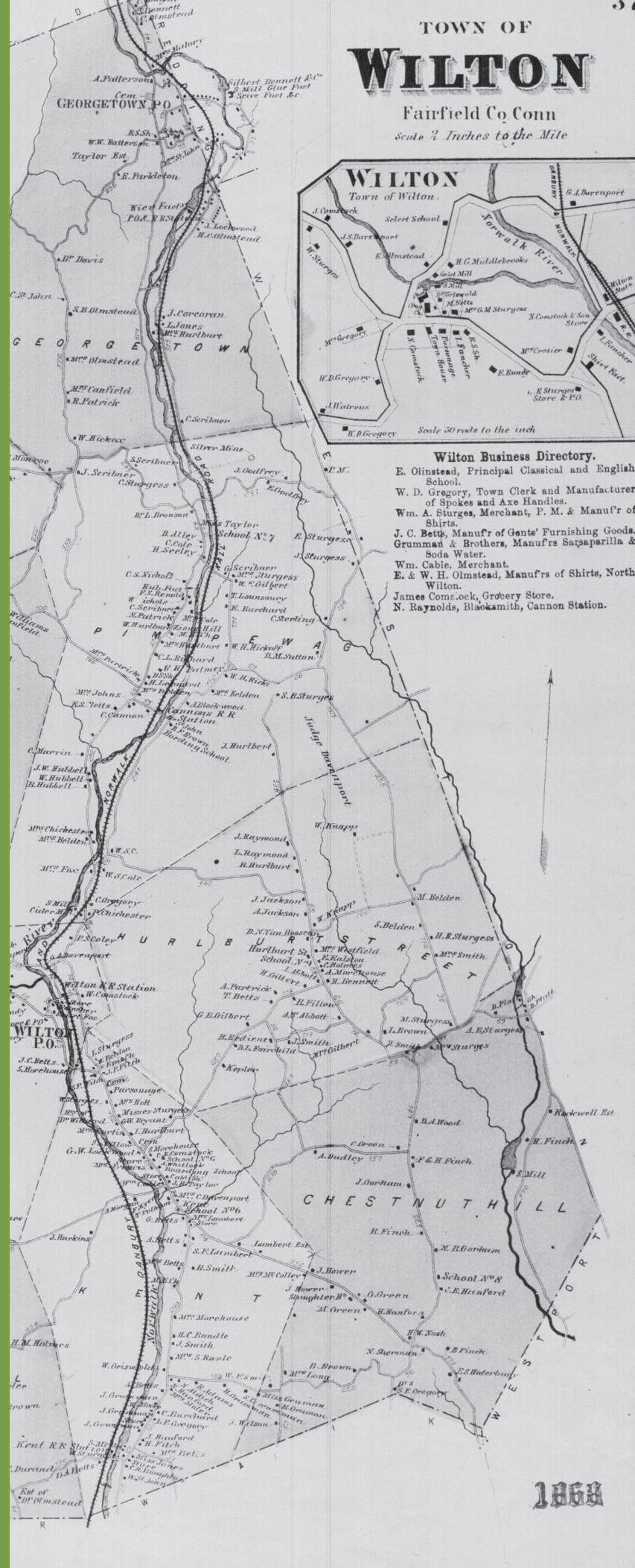


THE TOWN OF  
**WILTON**  
CONNECTICUT

Historic Preservation  
Tools for  
Commercial Buildings  
June 2020

Prepared for the Historic District and Historic  
Property Commission, Town of Wilton, CT

Prepared by Harriman



## EXECUTIVE SUMMARY

### Purpose of the Study

Historic buildings are important contributors to the historic and cultural resources of a community. These buildings establish the unique identity of a place by defining the physical development patterns, including the patterns of roads, and the visual culture – both buildings and land – of the town.

However, these buildings can be challenging to preserve. Obstacles to the adaptive reuse of buildings include deferred maintenance, improper “restoration” efforts, the presence of asbestos and/or lead paint, and changing technology and space needs for commercial uses. The obstacles can be significant.

For this reason, encouraging the preservation and adaptive reuse of historic buildings requires a mix of tools, primarily policy, regulatory, and financial. The recommendations developed in this study provide that mix, and multiple options for the Town of Wilton in addressing the adaptive reuse of historic buildings to productive commercial or mixed-use buildings.

### Findings

The most immediate actions that the Town could take to encourage preservation of historic structures are the following:

- 1.3 Establish pre-application meetings.
- 1.1 Develop an electronic brochure.
- 1.2 Require anyone considering redevelopment of historic property to meet with Town Building and Planning Staff.
- 2.1 Modify zoning to address historic preservation/adaptive reuse of commercial buildings.
- 2.2 Consider additional incentives to encourage adaptive reuse of commercial buildings.

### Planning Process

The Historic District & Historic Property Commission (HDC) hired Harriman to help identify tools for the historic preservation and adaptive reuse of historic buildings in the Town of Wilton. These historic buildings are commercial (or mixed-use) and are located along the Route 7 corridor, in Georgetown, or in Cannondale Village.

As part of the background research, Harriman interviewed the following people:

- Bob Nerney, Director of Planning and Land Use Management
- Ric Tomasetti, Planning & Zoning Commission
- Rob Sanders, Village Design District/Architectural Review Board
- Steve Schiller, AICP, City Planner, New Britain
- Hiram Williams, Managing Partner, Kent Barns
- Donna Hayes, Land Use Administrator, Kent, CT

Harriman also took a tour of the relevant areas in town and reviewed the existing regulatory language and approval process.

Finally, Harriman met with the HDC on the following dates:

- November 13, 2019

- January 7, 2020
- June 11, 2020

## RECOMMENDATIONS

The tools recommended for addressing the preservation or adaptive reuse of commercial building fall into three categories:

1. Policy (Education/Process-oriented)
2. Regulatory (Ordinance/Zoning)
3. Financial

### 1. Policy (Educational/Process-oriented)

#### Recommendation 1.1

Produce an electronic brochure for property owners/developers on the importance of preserving historic buildings and development patterns. Include a clear explanation of the application and approval process. (Note: much of this is already on the website and just needs to be consolidated into a single PDF.) The brochure should include information about how to identify historic buildings and financial incentives for preservation and could be distributed to local commercial real estate brokers and property owners of historic buildings.

A second electronic brochure could describe the implications of being in an historic district. Both brochures should address the benefits to the community and the property owner of historic preservation/adaptive reuse and should point people to the HDC's website for more in-depth information.

A summary of the relevant information could be added to the *Guide to Opening or Expanding a Business in Wilton, CT*.

An annual event for Realtors and structured outreach to property owners of historic buildings and local developers could help spread the information.

#### Recommendation 1.2

Work with Town staff and relevant elected and appointed officials to require anyone considering redevelopment of historic structures to discuss requirements for building permits, site plan approval, or special permits prior to application, including the demolition delay bylaw, and the benefits of adaptive reuse and building preservation. Town staff includes members of the Building Department and the Planning & Zoning Department. Elected and appointed officials include members of the following: the Board of Selectmen, Planning & Zoning Commission, Zoning Board of Appeals, and Architectural Review Board (ARB).

#### Recommendation 1.3

Establish pre-application meetings with all relevant departments to speed the application process for those who follow adaptive reuse/historic preservation requirements and streamline approval process (see chart on last page). Pre-application meetings are common in many communities and are used to ensure that the relevant Town departments have reviewed the application materials and have had a chance to call out missing or unclear technical information prior to the start of the public hearing process.

- The Town of Wethersfield has a description of their review process here: <https://>

[wethersfieldct.gov/content/398/426/981/762.aspx](http://wethersfieldct.gov/content/398/426/981/762.aspx).

- The Town of Guilford provides a handbook explaining its application process <http://www.ci.guilford.ct.us/wp-content/uploads/guilford-land-use-offices-handbook.pdf>.

#### Recommendation 1.4

Work with staff from the Planning & Zoning Department and elected and appointed officials to support the implementation of recommendations from the 2019 Plan of Conservation and Development (POCD), specifically the following Objectives and Strategies:

- 4.1 Preserve Wilton's historically important structures and cultural heritage.
- 4.2 Promote and market Wilton's historic assets.
- 4.3 Protect scenic roads and rural landscapes.

Human and Economic Development (Goal 3.3) *Balance modern economic development with the need to preserve the Town's original and unique character* should also be addressed. Other goals relative to the review of zoning incentives, potential form-based strategies, and parking requirements dovetail with the recommendations of this report.

#### Recommendation 1.5

Consider advocating for online permitting or an online document repository so that access to information about proposed projects for historic buildings is easily available for review by all relevant departments. Such a system could also act as a check for applicant, Town staff, and land use boards to ensure that all relevant documents have been completed and the supporting material included.

## 2. Regulatory (Ordinance/Zoning)

The recommendations in this section are based on a review of the *Zoning Regulations of the Town of Wilton, Connecticut*, last revised on January 17, 2020.

#### Recommendation 2.1

Evaluate, modify, and expand 29-5.C5 (Adaptive Use of Historic Structures) and 29-5.C8 (Historic/Architecturally Significant Buildings) to commercial districts as well as residential ones.

- **Option 1:** 29-5.C5 (Adaptive Use of Historic Structures, page 91): Add the General Business (GB) and Design Retail Business (DRB) Districts to the first paragraph to allow adaptive reuse of historic structures in commercial districts for all land uses listed in that section. (This would include mixed use buildings or sites.) Note that this option would fulfill Recommendation 2.2.a, below.
- **Option 2:** 29-5.C8 (Historic/Architecturally Significant Buildings, page 97): Remove the word "residential" from the article so that the article applies to all historic buildings. Note that this option would fulfill Recommendation 2.2.a, below.
- **Option 3:** The alternative is to establish a section that applies only to buildings in a commercial district, incorporating the recommendations below. Footnote (g), as noted below could be used as the basis for this new section.

**Option 1** would be limited to properties that meet the location requirements of 29-5.C.5.a(2) (a) or (b). In other words, the property would have a minimum frontage of 100 feet on Danbury Road or if any existing portion of an eligible building is within 100 feet of Danbury Road or

if the building has frontage on Cannon Road between Danbury and Pimpewaug Roads. Uses would be limited by 29-5.C.5.c. One concern might be whether the commercial use would generate more traffic, increase density beyond desired levels, or not be compatible with the physical character of the area. This is addressed in 29-5.C.5.c(1) and (2) and in 29-5.C.5.d(3).

**Option 2** would be the easiest to implement as it already addresses the eligibility of the property, application requirements, and development standards. This section of the zoning bylaws only applies to residential buildings; the recommended change would apply to all buildings that meet the criteria, regardless of use. If this option is implemented, one or more of the incentives in Recommendation 2 could be added to the existing development standards.

- For both Options 1 and 2:
  - Add additional incentives such as Recommendations 2.2b, 2.2c, and 2.2d, below.
  - Add design guidelines as suggested in Recommendations 2.2.e and 2.2.f, below. The design guidelines could be added as development standards within the zoning, as currently exist in 29-5.C5 or could be a separate document, such as Hartford's Preservation Guidelines ([http://www.hartford.gov/images/DDS\\_Files/Plan\\_Zoning/Commissions/Historic\\_Comm/hist\\_guidelines.pdf](http://www.hartford.gov/images/DDS_Files/Plan_Zoning/Commissions/Historic_Comm/hist_guidelines.pdf)).
  - Define historic buildings as those listed on or under consideration for listing on the National Register of Historic Places or the State Register of Historic Places (C.G.S. PA 13-181) and as listed in the *Historic and Architectural Resources Inventory for The Town of Wilton, Connecticut*, as updated. The definition in footnote (g) to E. Area and Bulk Requirements as modified on October 1, 2019 could also be used.
  - Text for the changes is provided in Appendix A.

**Option 3** would be an entirely new section of the zoning regulations, although with footnote (g) as the basis. This option might be more difficult to implement.

### Recommendation 2.2

Consider adding incentives for preservation of historic buildings as part of mixed use development.

- a. Allow a variance on dimensional standards to preserve historic building(s) and ensure new buildings/additions do not dominate the original. The DRB already has some incentives related to height and Floor Area Ratio (FAR).
- b. Allow multiple buildings on a site with one or more historic buildings. Consider cluster development to preserve original location of historic building(s) relative to the street and each other.
- c. Allow mixed-uses to be distributed among buildings rather than by floors; for example, residential could be provided in a historic building and retail/office/restaurant in a new building on the same site.
- d. Increase number of dwelling units per acre in exchange for preservation of historic building(s) on site.
- e. Establish design guidelines that address the relationship of existing and new buildings to each other, the street, and adjacent buildings and the reuse of historic buildings. Such guidelines should include site design as well as building massing, use of materials, and treatment of the façades for new construction, including additions.

- f. Tie historic preservation to sustainable building and landscape design.
- g. Streamline approval process and requirements in exchange for reuse/preservation (see Appendix B).

### Recommendation 2.3

Review model **Historic Preservation Ordinance** from the Connecticut Trust for Historic Preservation; this ordinance would be in addition to the changes in Recommendation 2.2, above and would expand the current charge of the HDC. See the following link: <https://www.preservationct.org/wp-content/uploads/2018/09/Preservation-Model.pdf>. Properties must be listed as an historic property to be protected.

- The City of Hartford has adopted a Historic Preservation Commission: [http://www.hartford.gov/images/DDS\\_Files/Plan\\_Zoning/Commissions/Historic\\_Comm/hist\\_preservation\\_ordinance.pdf](http://www.hartford.gov/images/DDS_Files/Plan_Zoning/Commissions/Historic_Comm/hist_preservation_ordinance.pdf). Sec. 28-219 is the standards for review by the Historic Preservation Commission, including review of buildings prior to demolition, the establishment of design guidelines, and provision for considering economic hardship. The related historic preservation guidelines are provided in Recommendation 1.
- The City of New Britain adopted its Historic Preservation Ordinance in 2011. The website of the Historic Preservation Commission ([http://www.newbritainct.gov/gov/boards/historic\\_preservation.htm](http://www.newbritainct.gov/gov/boards/historic_preservation.htm)) includes links to the Ordinance, their information sheet, and, among other resources, their Design Guidelines/Rehabilitation Standards for Commercial Historic Properties (<http://www.newbritainct.gov/civicax/filebank/blobdload.aspx?BlobID=25454>). This site provides an excellent model of the tools and information made available to the public. According to Steven Schiller, the historic preservation ordinance has been helpful to both the Town and property owners.

### Recommendation 2.4

Review the model **Deconstruction Ordinance** from the Connecticut Trust for Historic Preservation (CT Trust) to ensure that historic building elements are preserved if the building is demolished: <https://www.preservationct.org/wp-content/uploads/2018/09/Model-Deconstruction-Ordinance-170208.pdf>. It does not appear that any Connecticut communities have adopted this.

### Recommendation 2.5

Consider including the HDC in any discussion of an historic building that has been designated or is about to be designated as a blighted building or structure.

## 3. Financial

### Recommendation 3.1

Partner with the CT Trust to identify funding sources for historic preservation relative to development, including tax credits for commercial development and homeowners, preservation easement, and the CT Trust's revolving loan fund. <https://portal.ct.gov/DECD/Services/Historic-Preservation/Funding-Opportunities>.

### Recommendation 3.2

Partner with the CT Trust to identify and implement funding sources for historic preservation relative to development, including the following:

- State Historic Tax Credits (commercial and homeowners).
- Donation of preservation easements for tax credits.
- Grants: <https://www.preservationct.org/current-funding>.

### Recommendation 3.3

Consider the appropriateness of property tax abatements under Connecticut General Statutes, Chapter 203., Section 12-121e. The Town must adopt an ordinance pursuant to subparagraph (H)(xv) of subdivision (7) of subsection (c) of section 7-148. Within the ordinance, the Town would establish the criteria necessary to qualify for the reduced assessment, which, once the building is rehabilitated, would reflect the pre-rehabilitation value of the structure for a period of time determined by the Town. As its criteria, the Town could require that the structure be historic and that the standards for qualification include meeting the development standards discussed earlier in this document. This recommendation could be paired with the other incentives identified in Recommendation 2.2.

### Recommendation 3.4

Encourage eligible property owners to donate a conservation easement for historic preservation in exchange for a Federal tax deduction. This document from the National Park Service provides more detailed information: <https://www.nps.gov/tps/tax-incentives/taxdocs/easements-historic-properties.pdf>.

The easement must be donated to a qualified charitable or governmental organization to be eligible for tax credits. Preservation Connecticut, which can hold such easements, has additional information at: <https://preservationct.org/easements-faqs>.

Note that the easement may have more value in areas where there are fewer local regulations governing changes to the exterior of historic buildings. In addition, while federal tax credits may also be available under the Federal Historic Rehabilitation Tax Incentives Program, the use of the preservation easement may reduce the availability of the tax credits for rehabilitation. Because the easement reduces the future value of the property and will restrict future changes, it may not be attractive to all commercial property owners. In addition, the building must be listed or eligible for listing on the National Register of Historic Places.

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## APPENDIX A: RECOMMENDED REVISIONS TO THE ZONING REGULATIONS

### OPTION 1

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Add: text in bold and green.

29-5.C.5. Adaptive Use of Historic Buildings: It is the policy of the Commission to encourage the preservation, restoration and maintenance of existing residential and related outbuildings of historical and/or architectural significance on or near Danbury Road. Accordingly, the Commission may grant Special Permit approval for the adaptive use of said structures in R-1A, ~~and R-2A~~, **GB, and DRB** Districts where the nature and conduct of such use shall: enhance and preserve the exterior and interior integrity of the structures; increase the functionality of obsolete or under-utilized structures, enhance and preserve the aesthetic appearance of the remainder of the property; and, maintain the general character of the neighborhood, subject to the following standards and requirements:\*

#### c. Eligible Uses for Adaptive Use

(1) Structures may be used for business, professional or business enterprise purposes. Nonresidential uses which require a substantial departure from a residential use appearance or that generate significantly higher traffic levels on a regular basis or that conflict with the character of the area shall ~~not be permitted.~~ **subject to the provisions of g. Adaptive Reuse of Historic Buildings for a Nonresidential Use.**

Note: for this new paragraph g, insert the language from footnote (g) to E.Area and Bulk Requirements as modified on October 1, 2019 (pages 127-129) and make it applicable to the GB District in addition to the DRB District.

### OPTION 2

Delete: text in bold and crossed out.

Add: text in bold and green.

29-5.C.8. Historic/Architecturally-Significant Buildings:\*

a. Objective and Purpose: The Commission hereby recognizes that the loss of historic and/or architecturally significant ~~residential~~ buildings through demolition, alteration or incompatible new construction is contrary to protecting the unique character of Wilton. To this end, the Commission has adopted these provisions which allow flexibility and discretion when considering structural modifications to such buildings.

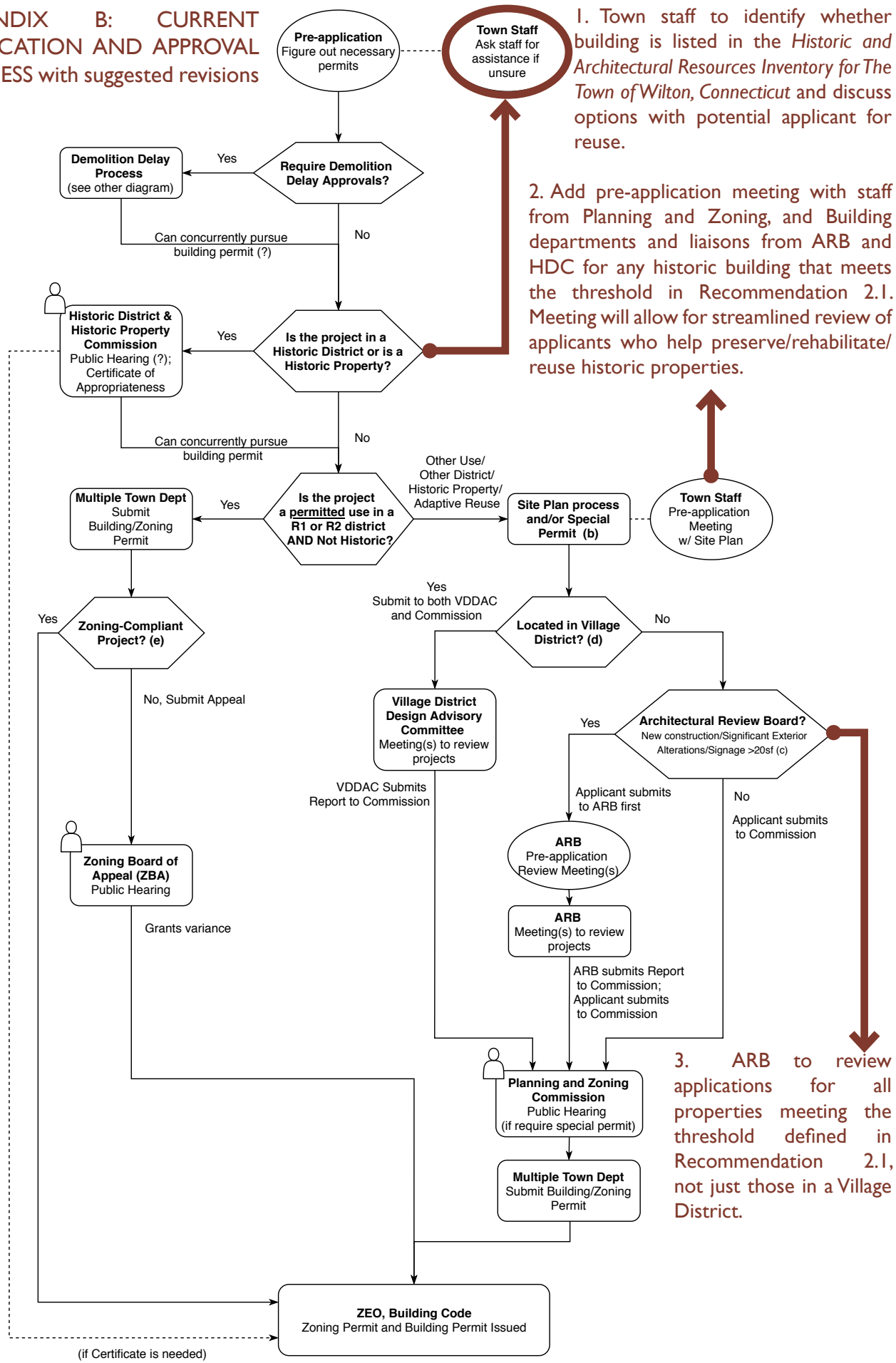
b. Applicability: This regulation is restricted to ~~residential~~ buildings and ~~residential~~ accessory buildings with respect to applicable setback, building coverage or site coverage requirements. An eligible building(s) ~~shall be located entirely within a residential zoning district and~~ shall meet the definition of a “Historic/Architecturally-Significant Building” as provided in these regulations.

(4) When considering a modification to an eligible ~~residential~~ building, the Commission shall make a positive finding that the request will:



~~(7) These provisions apply to buildings as defined herein which are used for residential purposes only. Any building expanded in accordance with these provisions shall be ineligible for adaptive business use as provided in Section 29-5.C.5. of these regulations. The prohibition of business use shall not apply to lawfully approved home occupation permits.~~

**APPENDIX B: CURRENT APPLICATION AND APPROVAL PROCESS with suggested revisions**



1. Town staff to identify whether building is listed in the *Historic and Architectural Resources Inventory for The Town of Wilton, Connecticut* and discuss options with potential applicant for reuse.

2. Add pre-application meeting with staff from Planning and Zoning, and Building departments and liaisons from ARB and HDC for any historic building that meets the threshold in Recommendation 2.1. Meeting will allow for streamlined review of applicants who help preserve/rehabilitate/reuse historic properties.

3. ARB to review applications for all properties meeting the threshold defined in Recommendation 2.1, not just those in a Village District.