

INTRODUCTION

All buildings and structures in the Town of Wilton's local Historic Districts, and individual properties designated as Historic Properties, come under the review and responsibility of the Wilton Historic District & Historic Property Commission. The powers, duties, and responsibilities of the Commission are set forth in detail in state and local law. For reference, see Sections 7-147a through 7-147y of the Connecticut General Statutes and Sections 18-1 through 18-12 of the Code of the Town of Wilton.

Section 1. GENERAL

1. **PURPOSE:** The Historic District and Historic Property Commission's purpose is to preserve and protect the character and integrity of the Wilton Historic Districts and individual designated Wilton Historic Properties. The purpose of these rules and procedures is to act as the vehicle for carrying out its responsibilities and to provide guidelines for the following:
 - Organization of the Commission
 - Administrative Procedures
 - Conduct of Meetings
 - Regular
 - Special
 - Public Hearings
 - Certificates of Appropriateness
 - Application
 - Standards for Determining Appropriateness
 - Actions by the Commission
 - Appeals

Section 2. ORGANIZATION OF THE COMMISSION

The Commission shall be organized in accordance with the applicable Statutes of the State of Connecticut (Sec. 7-147c) and the enabling ordinance of the Town of Wilton dated 10-8-1970 and revised 4-7-1992 and 3-11-2005, where applicable.

2.1 **MEMBERSHIP:** The Commission shall consist of five (5) regular members and three (3) alternate members, all of whom shall be electors of Wilton, holding no salaried town office. The Board of Selectmen shall appoint the members of the Commission, and appointments to fill vacancies shall serve for the duration of the unexpired term. If feasible, at least one member or alternate shall be a resident in a historic district or historic property.

2.1.1. **Regular Members:** Regular members and their successors shall be appointed in such a manner that the term of one member shall expire each year. Their terms shall be five (5) years (or less if filling a vacancy).

2.1.2. **Alternate Members:** Alternate members and their successors shall be appointed in such a manner that the term of one member shall expire each year. Their terms shall be three (3) years (or less if filling a vacancy). If a regular member is absent or has a conflict of interest, the Chairman shall designate an alternate to act, choosing alternates in rotation. Alternate members shall, when seated, have all the powers and duties of a regular member of the Commission except that they vote only when designated to do so by the Chairman.

2.2. **RESIGNATION:** Resignations from the Commission shall be in written form and transmitted to the Chairman, who shall forward a copy to the First Selectman.

2.3. OFFICERS AND DUTIES

2.3.1. **Chairman:** The Chairman shall preside at all meetings and hearings of the Commission and shall have the following duties:

2.3.1.1. Appoint alternates to fill a vacancy caused by the absence of a regular Commission member at a meeting.

2.3.1.2. Appoint committees.

2.3.1.3. Appoint a Clerk pro tem in the absence of the elected Clerk.

2.3.1.4. The Chairman shall not vote on issues unless to break a tie.

2.3.2. **Vice-Chairman:** The Vice-Chairman shall act for the Chairman in his absence and shall have the authority to perform duties prescribed for that office.

2.3.3. **Clerk:** The Clerk (or a secretary under the supervision of the Clerk) shall:

2.3.3.1. Keep the minutes and records of the Commission.

2.3.3.2. Provide notice of all meetings to all Commission members.

2.3.3.3. Arrange proper and legal advertisements of public hearings.

2.3.3.4. Attend to the correspondence of the Commission.

2.3.3.5. Maintain a monthly record of the Commission's expenditures on a fiscal year basis.

2.3.3.6. Coordinate news releases to the press.

2.3.3.7. File with the State Historic Preservation Office (SHPO) and the Town Clerk of Wilton at least once every year a brief summary of the Commission's 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 Commission.

2.3.3.8. Perform other duties as are normally carried out by a Clerk.

2.4. **COMMITTEES:** The following committees may exist:

2.4.1. **New District:** To research and propose additional areas suited for the creation of a new district and to coordinate the activities necessary to establish a new district. Pursuant to Conn. Gen. Stat. §7-147b(a), the Board of Selectmen, acting in its legislative capacity, shall be requested to appoint or authorize the First Selectman to appoint an Historic District Study Committee for the purpose of making an investigation of a proposed Historic District or Districts.

2.4.2 **New Historic Property:** To research and propose additional properties suited for the creation of a new property and to coordinate the activities necessary to establish a new property. Pursuant to Conn. Gen. Stat. §7-147q(a), the Board of Selectmen, acting in its legislative capacity, shall be requested to appoint or authorize the First Selectman to appoint an Historic Property Study Committee for the purpose of making an investigation of one or more proposed historic properties.

2.4.3. **Building Inspector Liaison:** To coordinate activities with the Building Inspector in the area of enforcement of Commission rulings.

2.4.4. **Property Owner Liaison:** To contact and acquaint new property owners with the rules and procedures established by the Commission.

2.4.5. **Application Review:** To review and upgrade applications for completeness and accuracy with the applicant prior to the review by the entire Commission of the scheduled public hearing.

2.4.6. **Certificate Monitoring:** To review and monitor work being performed under an approved Certificate so as to ensure compliance with the Certificate and any stipulations contained therein.

2.4.7. **Procedure:** To review and update the Commission's Rules and Procedures on an on-going basis.

2.4.8. **Board of Selectman Liaison:** To provide communication and coordination with the Selectman's Office as to the Commission's activities and requirements.

Section 3. ADMINISTRATIVE PROCEDURES

3.1. **MINUTES:** Minutes shall be taken at each meeting of the Commission by the Clerk and shall be made available for public inspection. The minutes shall record votes of each member participating in resolutions, transactions, or determinations. Copies of the minutes shall be filed with the Town Clerk and Selectman's Office within seven (7) days

of the meeting, Saturdays, Sundays, and legal holidays excluded. Additional copies of the minutes shall be distributed to each member of the Commission prior to the next regularly scheduled meeting.

3.2. LEGAL ADVERTISEMENTS: Legal advertisements shall be sent to a local paper with significant Wilton circulation. Publication shall occur at least twice, at intervals of not less than two days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days preceding the public hearing date. An additional copy of the notice shall be posted in the Town Office. The legal notice shall contain, at a minimum, the purpose as well as the time, date, and place of the hearing.

3.3. AGENDA: The Chairman for each meeting shall prepare an agenda. A copy of the agenda shall be posted in the Town Clerk's Office not less than 24 hours before any meeting. A copy of the legal notice shall serve as an agenda for public hearings.

3.4. REGULATION ENFORCEMENT: The Commission shall take action to prevent the violation of any rule or procedure contained herein, or any section of the applicable Statutes of the State of Connecticut. Regulations and orders of the Commission shall be enforced by the Building Inspector, who shall require in writing the remedying of any condition that is found to be in violation. Fines of not less than ten dollars nor more than one hundred dollars per day shall be imposed on any individual involved in the violation. Where the violation is found to be willful, the fine shall be not less than one hundred dollars nor more than two hundred fifty dollars for each day the violation continues.

3.5. RULES AND PROCEDURES REVISIONS: Revisions to these Rules and Procedures shall be reviewed at a public hearing. A majority vote of the Commission is required prior to adoption of any revision.

3.6. CONFLICT OF INTEREST: If for any reason a regular Commission member finds himself/herself in conflict with a particular issue, for personal or financial reasons, the individual shall abstain from any vote and the Chairman shall appoint an alternate to vote in place of that member.

3.7. EXECUTIVE SESSIONS: Executive sessions may be convened only by an affirmative vote of 2/3 of the members voting at a meeting, and may be held for any purpose enumerated in Connecticut General Statute Section 1-200(6).

(6) "Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would adversely impact the price of such site, lease, sale, purchase or construction until such time as all the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210.

Section 4. MEETINGS AND PUBLIC HEARINGS

4.1. MEETINGS: There are two types of meetings other than public hearings. The meetings consist of regular monthly meetings and special meetings. The latter are held to transact business on an exception basis or to permit the Commission to develop rules or procedures for the administration of the district or with respect to establishing guidelines for architectural renovations. All meetings are open to the public.

4.1.1. Frequency & Schedule

4.1.1.1. Regular meetings are held on the first Tuesday of each month, except for July and August, at 7:30 pm at Town Hall, or as posted on the Agenda. The schedule of regular meetings for each new calendar year shall be made available to the Town Clerk following the December meeting.

4.1.1.2. Special meetings are held on an as-needed basis. Meeting notices shall be posted with the Town Clerk at least 24 hours prior, stating time, place, and business to be transacted. No other business except that posted on the notice shall be considered at special meetings.

4.1.2. **Conduct of Meetings**

4.1.2.1. **Quorum:** A quorum shall consist of four (4) members (excluding alternates except when designated to vote in the absence of a full member) of the Commission for the transaction of all business either at meetings or public hearings.

4.1.2.2. **Order of Business:** The order of business at regular meetings shall be as follows:

4.1.2.2.1. Roll call

4.1.2.2.2. Conduct public hearing, if applicable

4.1.2.2.3. Reading and approval of minutes of preceding meeting

4.1.2.2.4. Report of committees

4.1.2.2.5. Unfinished business

4.1.2.2.6. New business

4.1.2.2.7. Adjournment

4.2. **PUBLIC HEARINGS**

4.2.1. **Frequency:** Public hearings shall be held:

4.2.1.1. Upon the receipt of an application for a Certificate of Appropriateness, with the exception of applications deemed "a minor activity" which will result in a minimal impact upon the historical character and integrity of the building and/or property and upon the surrounding neighborhood as determined by the Commission.

4.2.1.2. As outlined in the State Statutes governing creation of new historic districts and historic properties in Section 7-147b and Section 7-147q.

4.2.1.3. At the discretion of the Commission when significant concerns or questions arise relating to the administration of the district.

4.2.1.4. To adopt or revise the Rules and Procedures of the Commission.

4.2.2. **Legal Advertisements:** Public hearings shall be advertised in a local paper with significant Wilton circulation. Publication shall occur at least twice, at intervals of not less than two days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days preceding the public hearing date. The legal notice shall contain, at a minimum, the purpose as well as the time, date, and place of the hearing. An additional copy of the notice shall be posted in the Town Office.

4.2.3. **Conduct of Public Hearings Involving Certificate of Appropriateness**

4.2.3.1. **Who may appear?** Any individual may appear in person, by agent, or by attorney at the hearing.

4.2.3.2. **Order of Hearing:** Applications are heard in the order in which they are placed on file and as shown on the call for the hearing.

4.2.3.2.1. The roll call shall be read by the Clerk.

4.2.3.2.2. The Chairman shall give a statement of the application.

4.2.3.2.3. The applicant shall give a detailed description of the application as well as present any supporting evidence such as blueprints, drawings, specifications as to materials, photographs, and any other pertinent documentation.

4.2.3.2.4. Upon completion of the presentation, the Commission shall have the opportunity to question the applicant.

4.2.3.2.5. After questions by the Commission, the Chairman shall ask for supporting testimony or comments of interested parties.

4.2.3.2.6. The Commission shall then have the opportunity to question those in support of the application.

4.2.3.2.7. Upon the close of hearing supporting comments, the Chairman shall ask for comments by those in opposition to the application.

4.2.3.2.8. The Commission shall then have the opportunity to question those in opposition to the application.

NOTE: To maintain an orderly process, each side shall proceed without interruption by the other. Each individual authorized to speak shall give his name and address prior to commenting on a particular issue.

4.2.3.3. **Evidence at Hearings:** A sound recording device shall record the proceedings for each application, in addition to minutes taken by the Clerk. The Clerk shall record attachments to each application as exhibits in numerical order. Additional material or correspondence presented to the Commission during the course of the hearing shall be recorded in like manner.

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