

TOWN OF SHERMAN HISTORIC DISTRICT REGULATIONS

Section 1 General

1.1 Purpose

The purpose of these regulations is to promote the general, economic, cultural and educational welfare of the Town of Sherman by the preservation of buildings and places of historic interest within its Historic District, the maintenance of architectural integrity and suitability within the District, and the protection of its traditional uses, all in order to preserve the simple and rural feel of the Town's old Center.

1.2 Boundaries

(a) The Sherman Historic District is bounded and described as follows: Beginning at the Northwest corner of the Mallory Town Hall site running Easterly along North boundary of said Town property; continuing Easterly across Town land South of the Firehouse to Route 39; turning South following highway along Town land (Knoll) past intersection of Route 39 and Route 37; crossing Route 37 to northeast corner of Old Town Cemetery; running Southerly and Westerly following Eastern and Southern border of Old Cemetery and Eastern boundary of Library property; crossing Saw Mill Road to Northeast corner of the Esser property; running Southerly along Eastern boundary of said Esser property to a small brook; thence following center line of brook Easterly to its junction with Sawmill Brook; thence following center line of Sawmill Brook Southwesterly crossing Route 37; thence Southerly, Westerly and Northerly around boundaries of the Schneckeburger property to junction of Greenwoods Brook with Great Brook; thence along center line of Great Brook to a point 300 feet west of Route 37; thence turning Northward parallel to the highway at a distance of 300 feet to the Mallory Town Hall property continuing Northerly along the Western boundary of Mallory Town Hall property to the place of beginning.

(b) Said Historic District is enclosed for the most part within natural and legal property lines. The only arbitrary line, that which is 300 feet west and parallel to Route 37, was selected to include a slope and outbuildings visible from the road. The northern boundary is the Knoll which visually dominates the area. The southern boundary is delineated by a brook and one half-acre parcel on the brook requested by the owner to be included.

(c) Further, said Historic District is that area shown and bounded as such on a certain map entitled "Sketch Map Showing Proposed Historic District, Sherman Center, Scale 1"=200', 1981", a copy of which is attached to and made a part of these regulations, and a further copy of which is on file in the Office of the Town Clerk.

1.3 Philosophy

As a guide both to the Commission, its successor members and alternates, and to the general public, the following philosophy or principles will govern its approach and decisions:

(a) The Commission realizes and agrees that the District is and always has been a living community, part business and part residence, and in fact is at present so zoned. At one time this small and compact section was the center of business and social life in town, containing at various times a church, a school, a cemetery, a carriage shop, blacksmith shops, drygoods and grocery stores, lumber dealers, a tavern, a library, two town halls, and several houses and barns. It still contains, aside from the houses, barns, and smaller outbuildings, the cemetery, the two town halls, a scout and other community-use house, a theater, a hardware store and the Library.

(b) The Commission recognizes that this mix is the true and historic role of the District, gradually changing and evolving as it has while maintaining constant its physical appearance; and it will seek in its decisions not only to preserve but to promote this role.

(c) The Commission further recognizes that though Sherman's old Center is almost unique in its unspoiled look of an early New England village, it does not contain any buildings of specific or important historical value, nor any of outstanding architectural worth. Rather, it is a visual symbol of a simple, honest, peaceful and self-respecting way of life. The Commission therefore will be understanding and receptive to the desires and suggestions of property owners providing only that they follow the procedures to be outlined in order to maintain this symbol. In this regard, the Commission will be particularly receptive to informal discussion with any resident or property owner of the District, will give advice to the best of its ability, will be glad to explain or interpret the regulations, and will be glad to make suggestions, all if asked.

Section 2 Definitions

As used in these regulations, the following words and phrases are to be understood as here defined:

"**Building**" means a combination of materials forming a shelter for persons, animals or property.

"**Structure**" means a combination of materials, other than a building, which is fixed to the land and including but not

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limited to signs, fences, hedges, walls, roadways and parking spaces.

"**Erected**" means constructed, built, installed, or enlarged.

"**Altered**" means changed, modified, rebuilt, removed, demolished, restored, razed, moved or reconstructed.

"**Exterior architectural features**" means all exterior architectural features.

"**Commission**" as used in these regulations always refers to the Sherman Historic District Commission. Any other commission or body mentioned will be referred to by its full name.

"**Certificate**" as used in these regulations always refers to the Certificate of Appropriateness as defined in the procedures to follow. Any other permit or like instrument, if mentioned, will be referred to by its full name.

"**District**" as used in these regulations always refers to the Sherman Historic District as created by Town vote at a Town Meeting held on October 2, 1981, and as defined by the above-mentioned bounds and District map.

Section 3 The Commission

3.1 Composition

The Sherman Historic District Commission consists of five regular and three alternate members, all of whom are electors of the Town, hold no salaried Town office, and are appointed by the First Selectman. Suggestions for nominees from District residents shall be considered. Any alternate, when seated as provided, has all the powers and duties of a regular member.

3.2 Terms of Office

(a) Each member is appointed for a term of five years on a rotating basis created by one such term ending in 1982, two in '83 and two in '84. Alternates also serve for terms of five years.

(b) Each member and alternate continues in office until his successor has been duly appointed.

(c) Members and alternates may be appointed for a succeeding term or terms.

(d) Vacancies are filled by appointment by the First Selectman, subject to a majority of the Commission members.

(e) Members and alternates serve without compensation.

(f) Alternates are seated by the Chairman, when needed, in rotation, so that each may act as nearly equal a number of times as possible.

3.3 Officers

(a) The Officers of the Commission consist of a Chairman, Vice Chairman and a Clerk, each of which is elected annually by vote of the Commission.

(b) The Chairman presides at all meetings of the Commission.

(c) The Chairman may preside at hearings before the Commission, or may appoint any regular member to so preside.

(d) The Chairman also has the authority to appoint committees as may be needed, to call special meetings, and generally to perform all duties consistent with the office.

(e) The Vice Chairman assumes all duties and powers of the chair in the absence of the Chairman.

(f) The Clerk keeps minutes of all meetings and all records of the Commission. Under the direction of the Chairman, the Clerk prepares agendas, provides notice of hearings as per statute directed, provides notice of meetings, and generally performs all other duties consistent with the office.

(g) In the absence of the Clerk, the Chairman appoints a Clerk pro tem.

3.4 Powers and Duties

(a) The principal function, duty, and power of the Commission is to create, adopt and administer rules of procedure not inconsistent with its enabling act, Sections 7-147a through 7-147k inclusive of the General Statutes.

(b) The remaining duties of the Commission will be performed at semi-annual regular meetings, to be held on or about

the evening of the second Monday of April and October each year, at special meetings as required, and at public hearings, all as specified by these regulations.

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(c) Three regular members constitute a quorum.

(d) All regular and special meetings receive public notice by posting such notice on the Bulletin Board in Mallory Town Hall not less than one week before the meeting in question. A schedule of the regular meetings is to be filed each year with the office of the Town Clerk following the April meeting of the previous year. Notice of hearings is given as specified in the procedures which follow.

(e) Officers are elected each year at the April regular meeting.

(f) The Commission reserves the right to call executive sessions for good and sufficient reason, making public after the completion of any such session all votes or decisions made.

(g) A summary of actions taken each year will be filed with the Connecticut Historical Commission, and a copy of the same will be filed with the office of the Town Clerk and sent to each resident or property owner of the District.

3.5 Disqualification

(a) No member of the Commission, regular or alternate, will participate in any decision or hearing if such member is disqualified because of self-interest, personal, financial or otherwise.

(b) Disqualification may be requested by the member in question or imposed if necessary by the Chairman after vote by the Commission.

(c) In the event of such disqualification the Chairman will designate an alternate member to act for the term of such disqualification.

Section 4 Procedures

4.1 Jurisdiction

While the Commission recognizes the validity and necessity of the regulations of sister commissions and boards--most pertinently those of the Planning and Zoning Commission--the portion of the village Center which is this District, having existed many many years before these newer needs and controls, is by its very historic nature in conflict with much now in force. It is, in effect, nonconforming. To be maintained and preserved it therefore must be freed of conflicting control and allowed to become an entity unto itself. District regulations, therefore, supersede all others in the following respects:

(a) Front and side setback lines, as specified by the Zoning Regulations for the Business or Commercial Zone C, do not pertain in the District. For new construction or addition, the front surface of neighboring buildings, right and left, will be used as a guide, each case being considered individually. Side setbacks, if any, will depend upon the placement of neighboring buildings, structures and spaces; and again, each question will be considered individually.

(b) Other controls of all kinds--such as but not limited to well and septic system positions, fence lines, trees, signs, driveways and parking--must as necessary be dropped, relaxed, or otherwise adapted to the unique characteristics and necessities of the District. This Commission will work closely with other commissions, boards or officials in these matters but if its mandate is to be accomplished, and unless it can be demonstrated that public health or safety is affected, its decisions must prevail.

(c) In order not to delay unnecessarily the process of securing whatever permits may be needed in any given instance, applications to this Commission may be made simultaneously with those to others, but applicants as well as officials must realize that decisions by this Commission are controlling. (Example: A completed and granted Building Permit is not valid without a District Certificate of Appropriateness.)

4.2 Exclusions

There are certain actions by residents and property owners in the District which by statute are excluded from control by this Commission, and which therefore require no contact with the Commission whatsoever. These are as follows:

(a) The Commission has no control or interest in the use of any building, its interior arrangements or plan, or its interior appearance.

(b) The Commission has no control over the color of paint on the exterior surfaces of any building or structure, though

it hopes that colors appropriate to the District's architectural styles and heritage will be used and it will be glad to confer on choice, if asked.

(c) Nothing in these regulations should be construed to prevent, without consultation or permit, all ordinary maintenance

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and repair of any exterior feature which does not involve a change in design. If in doubt, property owners are urged to consult with the Commission informally.

4.3 Pre-hearing Procedure Informal

Any architect, builder, property owner or other person with an interest in property in the District is encouraged to meet with the Commission to discuss contemplated work before the submission of any application. The Commission will be glad to advise whether or not such work needs formal application; it will make non-binding recommendations or suggestions if asked; but if formal application is indicated it will make no decision of any kind before such application is made and a public hearing held.

4.4 Hearing Procedure, Formal

(a) No building or structure is to be erected, altered, restored, moved, or demolished within the District until an application in writing for a Certificate of Appropriateness has been submitted to and approved by the Commission. Approval will depend upon the appropriateness of the exterior architectural features including the location, style, design, and arrangement. In amplification, the Commission will consider alterations involving change in design, in exterior materials, scale or outward appearance: chimneys, windows, doors, roofing, siding, shutters. The Commission will favor materials appropriate to the period of the building. Also, the Commission will consider all other construction or changes to the property not connected to buildings: fences, hedges, signs, tennis courts, swimming pools, sidewalks, drives, etc.

(b) The application, in letter form, may be informal in presentation, but it is to include the following information:

- 1) The name and address of the owner, and that of his architect, designer, builder or contractor, if any of these latter are to be employed.
- 2) The location of the property if different from the owner's address.
- 3) A description of the work proposed, along with sketches, drawings, plans, photos or any other means which will reasonably show and describe the character and scope of the job. The Commission may require additional information if, from what is originally submitted, the proposal seems unclear. The amount and detail of all this information will naturally depend upon the size and complication of the work. In case of new construction, plans and elevations will be required.
- 4) The Commission will make copies of the application along with its attachments, retaining the original, returning a dated copy to the applicant, and sending a like copy to the Town Building Official.
- 5) This application does not replace any other which may be required to effect the work.

(c) Upon receipt of the application the Commission Chairman may set a date for a public hearing if deemed necessary, to be held within 30 days and will give notice to this hearing by publication in a newspaper having a substantial circulation in the Town at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the second not less than two days before the date of the hearing. Notice will also be posted on the Bulletin Board in Mallory Town Hall.

(d) The Chairman of the Commission or any member designated by the Chairman will preside at the hearing. The proceedings will be taped, opening with the notice read by the Clerk and conducted in the manner of all public hearings. The proposal will be described by the applicant or his agent, who may be questioned for matters of clarity by the Chairman, any member of the Commission, or any resident attending. Proponents and opponents will be given a chance to make statements. No vote or decision will be made at the hearing.

(e) In the shortest reasonable time after the hearing, but in any case within thirty days, the Commission will announce its decision. This decision will be in writing and will constitute either a Certificate of Appropriateness or a refusal of such Certificate. Considerations governing appropriateness are to follow the statement of philosophy, Section 1.3 of these regulations, amplification as found in Section 4.4(a), as well as the following, quoted in part from the applicable statute, Section 7-147f: ". . . the type and style of exterior windows, doors, light fixtures, signs, above-ground utility structures, mechanical appurtenances . . . the type and texture of building materials . . . the historical and architectural value . . . the architectural style . . . the pertinent features of other buildings and structures in the immediate neighborhood. In passing on 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.

(f) A Certificate of Appropriateness may be granted unconditionally or with stipulations; and it may be denied unconditionally or with suggestions as to reapplication. However, if it is denied, the Commission is to clearly state its reasons for denial. All decisions granting or denying any Certificate must be made by vote of at least a majority of the Commission.

(g) A copy of the Certificate or its letter of refusal will be sent to the applicant; another will be retained by the Commission for its records; and a third will be sent to the Town Building Official. It is this Certificate, or its refusal, which is controlling over any others which may be necessary, whether granted or denied.

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(h) Upon receipt of a Certificate of Appropriateness projected work should start within one year or else such granted Certificate will lapse.

4.5 Variations

(a) where, by reason of topographical conditions or other unusual circumstances not common to the District as a whole, strict application of these regulations would result in exceptional practical difficulty or undue hardship upon the owner of such property, the Commission has the power to modify strict compliance, providing the variance remains in general harmony with the purpose of these regulations.

(b) Also, where District borderline situations might present problems affecting not only the District applicant but non-District adjacent property owners, once again strict application of these regulations may be modified.

(c) In granting such variations the Commission may make stipulations as will, in its opinion, better fulfill the sense of these regulations. No variation granted is to be considered in any manner a precedent.

Section 5 Enforcement

RESOLUTION to amend Section 5 of the Historic District Regulations, dealing with Enforcement, as follows:

5.1 Administration

Compliance with these regulations, once a Certificate has been issued along with any possible stipulations, is administered by the Town Building Official in the course of his regular inspections for matters pertaining to building and to the Land Use Enforcement Officer for matters pertaining to zoning. The official administering these regulations shall be called the Enforcement Official

Thereafter, to substitute the term "Enforcement Official" for the term "Building Official."

5.1 Administration

Compliance with these regulations, once a Certificate has been issued, along with any possible stipulations, is administered by the Town Building Official in the course of his regular inspections.

5.2 Remedies

The Building Official has the duty to require the correction of work being done not in accordance with the application on file and its Certificate; he has the power to stop work, order it removed, razed or moved. He may also, along with the Commission, have recourse to various other remedies including suits and fines as stipulated in Section 7-147h, par.(a) and (b) of the General Statutes.

Section 6 Appeals

6.1 Informal

If any applicant feels aggrieved by any decision or action by the Commission or its agent, the Building Official, such person may request a meeting with the Commission, at which meeting it is hoped the decision may be more clearly explained and accepted, or some compromise--like reapplication--be made.

6.2 Formal

If after informal appeal such person still feels aggrieved, a formal appeal may be made as per the stipulations of Section 7-147i of the General Statutes.

Section 7 Special Exemptions, Delay of Demolition

7.1 Work in Progress

These regulations have no control over any work under regular permit in progress on the date these regulations are formally adopted.

7.2 Exemption Based on Need

These regulations may be modified by work certified by the Building Official as required by the public safety because of structural deterioration.

7.3 Delay of Demolition

(a) If a District property owner desires to demolish or have demolished a building and has made application to the Commission for such action, after a public hearing as required, the Commission is itself required to wait for a period of ninety days before issuing a Certificate allowing such demolition.

(b) In this period effort is to be made by the owner, the Commission and/or the Connecticut Historical Commission, to find a purchaser who will retain or remove such building or who will present some other reasonable alternative.

(c) The Commission has the right to recommend, if it reasonably can, alternative uses for the building.

(d) The Town may abate all property taxes during this period.

(e) Nothing, however, in this section is to be construed as requiring the owner to sell such property or building.

(f) At the conclusion of the ninety days, if no alternative has been found, the Certificate must be issued and the demolition may take place.

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Section 8 Amendments

Following all proper procedures required for such actions, these regulations as well as the District boundaries may be amended from time to time as conditions warrant.