

HISTORIC DISTRICT COMMISSION  
H A N D B O O K



W E S T P O R T  
C O N N E C T I C U T

*Cover photos:*

*Top left: Post Road at Westport Center, early twentieth century downtown buildings*

*Bottom left: Lt. John Taylor House, c.1712 Colonial*

*Top right: Gault Family stone barn*

*Bottom right: Allen House, 1958 Modernist, photo by Winston Allen, PhD*

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HISTORIC DISTRICT COMMISSION  
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W E S T P O R T  
C O N N E C T I C U T

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*Prepared by*

James Gibbs AIA Architect

*www.gibbsarchitect.com*



It is the mandate of the Historic District Commission (HDC) to promote the interests of historic preservation throughout the Town of Westport. Where regulated historic districts and properties have been adopted, the HDC is empowered to ensure that existing historic resources are preserved, and the design of new structures is appropriate to the historic context. In addition, the HDC has an advisory obligation to other town agencies in matters related to historic preservation. Both public and private sectors of our community are required to abide by the various rules and procedures of federal, state, and town historic jurisdictions. This *Historic District Commission Handbook* is thus intended for use by residents and businesses, governmental agencies, and the HDC itself.

The HDC first published the *Historic Districts & Properties Handbook*, as prepared by this author in 1996, as a common reference to the historic preservation objectives of the Town of Westport, but with focus on the regulation of the town's Local Historic Districts and Properties. In 1997, the HDC published a supplement to the *Handbook* entitled *Part II – Recommendations for Future Action*, as prepared by Public Archaeology Laboratory, Inc., which expanded on the recommendations of the initial handbook. In 1998, a second edition of the handbook was published with minor updates. In 2004, the HDC published *Historic Architectural Survey Update ~ Early Twentieth Century Resources*, as prepared by Public Archaeology Laboratory, Inc. In 2008, the HDC published *Recommendations Report for Potential Historic Districts*, as prepared by Associated Cultural Resources Consultants.

The current third edition of the handbook updates and assimilates these prior documents into a single comprehensive compliance manual for the Town of Westport, with the exception that the *Historic Resources Inventory*, as originated with the first edition of the handbook and as last updated in 2008, remains a stand-alone document. Given the expanded nature of this third edition, its title has been modified to read more comprehensively as *Historic District Commission Handbook*.

The preparation of this third edition was coordinated by the HDC upon approval of the Board of Selectmen, under the leadership of First Selectman Gordon Joseloff. This handbook was prepared by James Gibbs, AIA, Architect, as consultant to the town under 36CFR61 standards of the U.S. Department of the Interior. The HDC subcommittee responsible for critical comment and review was comprised of HDC Chairperson Margaret Feczko, HDC Vice-Chairperson Betsy Wacker, and Francis Henkels, AIA, with the assistance of Carol Leahy, HDC Staff Administrator & Certified Local Government (CLG) Coordinator. HDC Members Thomas Bloch and Louise Demakis provided additional comment. Laurence Bradley, Westport Planning and Zoning Director, offered his insights into the town's overlapping jurisdictions as related to preservation policy. Gail Kelly reviewed the final draft as Assistant Town Attorney. Credit is also extended to Betsy Wacker for authoring the *Prehistoric and Native America* section of the *Historic Background of Westport* in Part 2 of this handbook.

Major portions of this third edition were adapted from prior editions of the handbook, as authored by Mr. Gibbs in 1996. As such, credit is also extended to the HDC subcommittee at that time: Satenig St. Marie, Susan Gunn, and Helen Muller.

All GIS maps in this Handbook were prepared by Damion Vassel, Town of Westport Mapping Technician. Photography and illustrations are by this author except as otherwise noted.

Public input was allowed through a series of public workshop meetings and a final public hearing.

This Handbook was funded by the Town of Westport with a matching grant from the Historic Preservation & Museum Division of the Connecticut Commission on Culture & Tourism.

For further information, contact:

**Office of the Historic District Commission**  
**Town Hall**  
**110 Myrtle Avenue**  
**Westport, CT 06880**  
**203.341.1184**  
**[www.westportct.gov](http://www.westportct.gov)**

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*Early postcard showing Fountain Square*



*Early postcard showing State Street*



*Early postcard showing Post Road at Westport Center*

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**Goals**

The goal of historic preservation is to preserve continuity with the past, not to isolate the past from the present. Indeed, the continuity of our cultural heritage both anticipates and encourages ongoing change and development.

Historic properties are resources important to the sustainable development of our community. Historic resources contribute to the aesthetic quality of our environment and our cultural heritage and provide a sense of place. Moreover, these properties can be important resources in economic development.

As the Town of Westport, and indeed much of the nation, emerges from a period of expansion into one of consolidation and diversification, the potential role of Westport's historic villages, neighborhoods, commercial districts, roadways, waterways, landscape, rural areas, farms, stone walls and even suburban subdivisions should not be underestimated.

**Benefits of Preservation**

Historic preservation is an investment in our future. Among the benefits are:

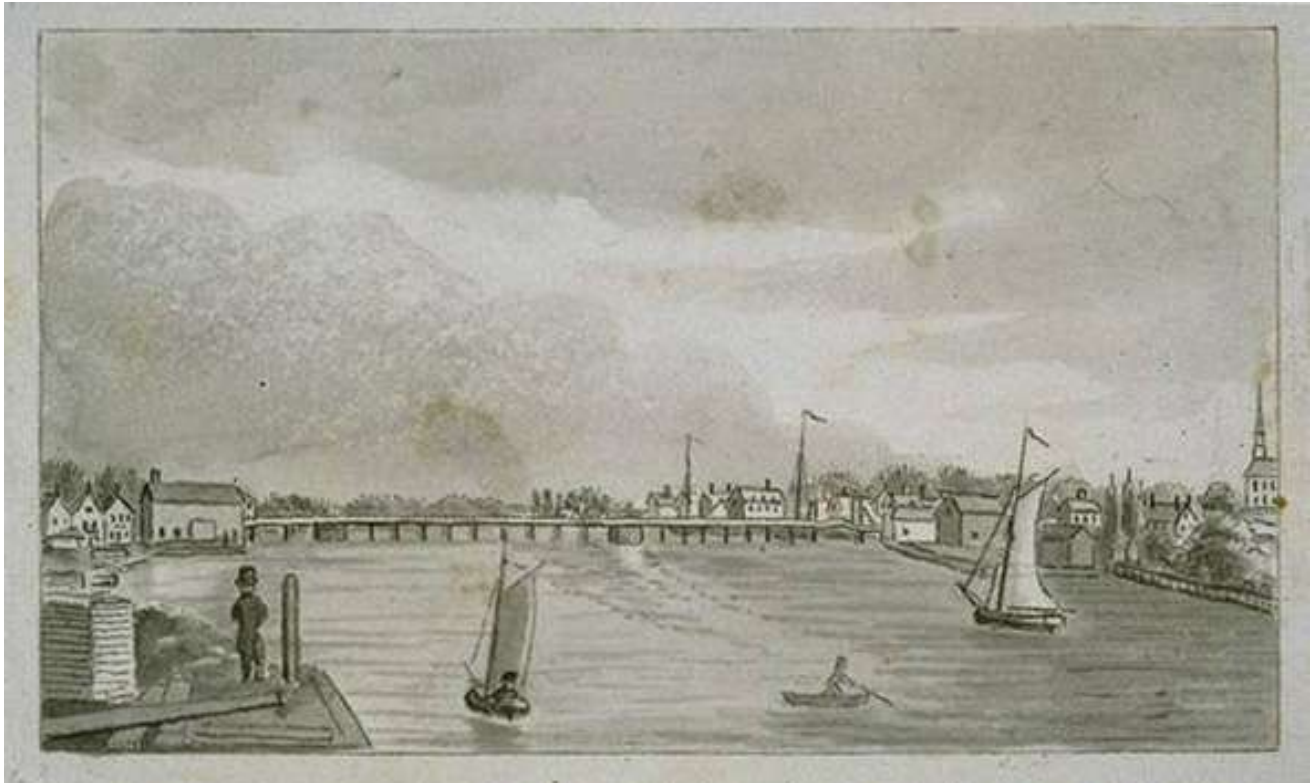
- Understanding of the history of our community and of our nation – it should not be forgotten that much of our nation is far younger than Westport, and that Westport's historic resources are significant to the nation as a whole – we are stewards of this heritage
- Sophistication of the generations who are raised in a rich architectural heritage – history has shown that a complex and handsome built environment fosters yet further quality in the built environment of the future, while a banal environment only tends to further degradation
- Preservation and reinforcement of an established and unique sense of community and place
- Historic preservation is “Green” design, conserving energy and materials, while reinforcing already environmentally sustainable neighborhoods. The most sustainable communities are frequently existing historic ones
- Preservation of the historic landscape as open space
- Retention and enhancement of property values. Historic preservation regulations provide a stable market in which a family or business may invest – respect shown the environment, whether

natural or man-made, is an attraction to further investment

- Utilization of historic resources which could not be economically constructed today. Built in times which permitted complexity in detail, the intrinsic value of our extant historic structures as resources should not be overlooked – preservation is good investment
- Rehabilitation of existing buildings conserves material resources while promoting employment of skilled trades
- Economic development through heritage tourism, one of the fastest growing sectors of today's international economy
- Consistency with Connecticut's Plan of Development and Conservation, which promotes “smart growth” through the consolidation of new development within our existing villages and urban areas, the preservation of agricultural and other open areas, and the avoidance of strip commerce and suburban sprawl.
- Support of transit-oriented planning efforts – historic villages were frequently built on transit-oriented principals
- Opportunity for state and federal incentive tax credits for the preservation, rehabilitation and/or restoration of historic buildings

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*Saugatuck River, c. 1860, courtesy Connecticut Historical Society*

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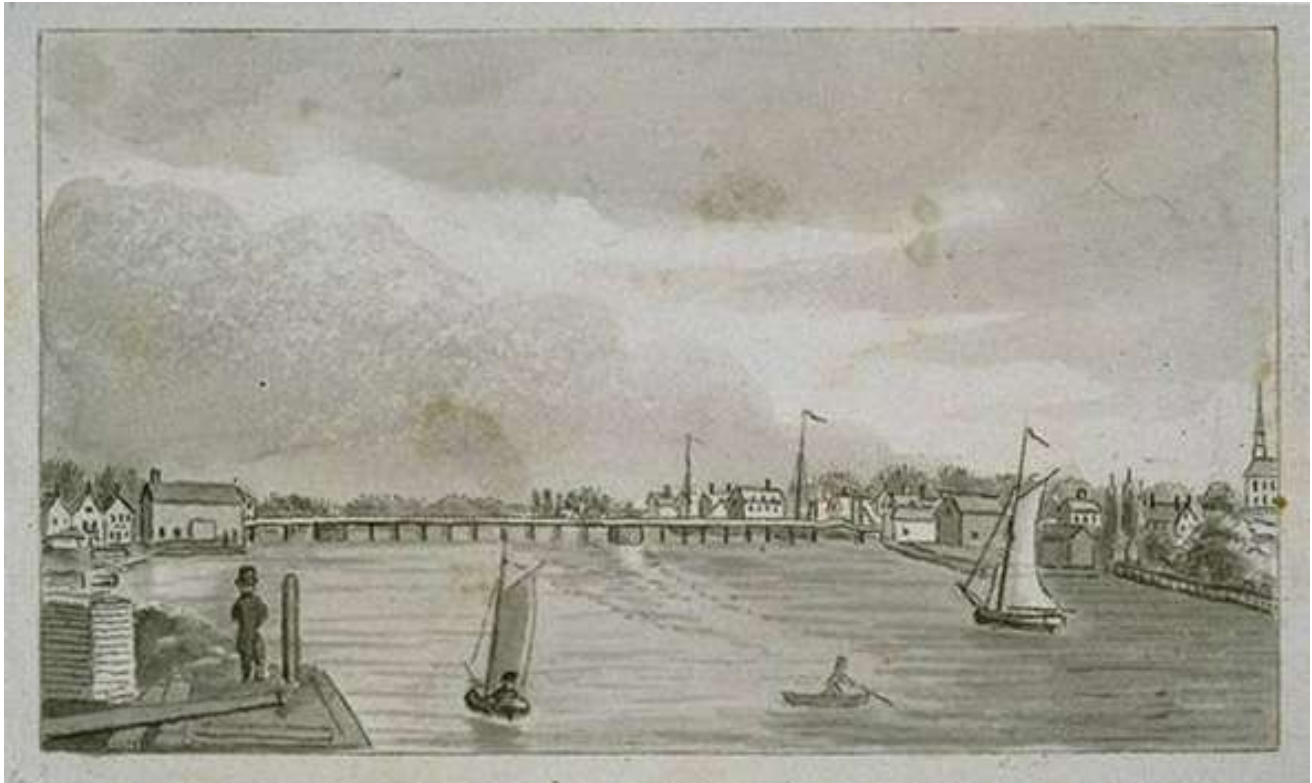
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*Saugatuck River, c. 1860, courtesy Connecticut Historical Society*

## PART 2

# HISTORIC BACKGROUND OF THE TOWN OF WESTPORT

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### Prehistoric and Native America

Archaeological evidence places indigenous habitation in the New England area just over 10,000 years ago. In the post-glacial environment, forests were primarily conifers of spruce and pine with indications of deciduous oak tree. Large mammals and small game, including fish, mollusks and water fowl from streams and Long Island Sound, were hunted by nomadic bands. Foraging for edible plants, berries and nuts was an important supplement to their diet.

Throughout the Archaic Period (10,000-700BC), indigenous people lived in increasingly hardwood forests of oak, beech, hemlock, hickory, walnut and chestnut. Game became smaller in size. There is evidence of handmade ground stone tools for processing and chopping, as well as ubiquitous stone spear points for hunting. Seasonal resources were maximized through transient hunting and foraging while living in or under rock shelters. By the end of this period, there is archaeological evidence of simple frame dwellings covered in skin or bark, ceremonial burial and animal domestication.

The Woodland Period (700BC-1633AD) initiated the production of pottery, enabling increased food production and storage. Agriculture now provided a steady food supply that supported a larger, native population but imposed sedentism. Stone tools and projectile points become more varied and sophisticated. Specific stylistic types and decoration emerged that indicate their point of origin and the possibility of water and overland trade.

Increased exploration and trade in the sixteenth century began to transform Connecticut's indigenous peoples, settlement patterns, and language dispersal. An influx of Dutch, French and British fur traders also brought disease that decimated the tribes of coastal New England. It has been estimated that less than 10% of the native peoples who had once populated the area survived when Europeans began their settlement.

By the time of widespread European contact in the early 1600s, the Algonquian tradition characterized Fairfield County. The Westport area was further defined as the Paugussett/Pootatuck group, though there were many dialects and sub-groups such as the Aspetuck, Compaw, Maxumux, Pequonnock, Sasqua, Saugatuck and Uncowa.

An 1889 published history of Fairfield describes the remaining native settlements that were believed to

exist at the time of English settlement: the Pequonnock occupied the Housatonic River valley east of Westport. The Uncawa occupied territory west of the Pequonnock to Southport. The Sasqua occupied lands about the Great Swamp and Sasco Creek. The Maxumux occupied the lands west of Sasco Creek to Compo, extending inland to the Aspectuck River. The Compaw occupied the lands between Compo and the Saugatuck River. West of the Saugatuck were the Norwalk people. North, along the Aspetuck River, were the Aspetuck.

### Colonial Settlement

The first English settlers of Connecticut were from the Massachusetts Bay Colony, founding the Connecticut River Valley towns of Windsor, Wethersfield, and Hartford in 1635. In 1636, the General Court of Massachusetts appointed the first governing body of what would become the Connecticut Colony. One of the first acts of this new government was to declare war on the Pequots of southeastern Connecticut.

While centered a hundred miles east in Mystic, the Pequot were the most powerful of the Connecticut tribes and controlled virtually all of Long Island Sound. The Pequot were reputed to have had a history of aggression against other tribes, and in particular the Mohegan. They were also the most resistant tribe to English settlement in Connecticut. Their massacre in 1637 by a militia under the leadership of the new Massachusetts Bay Colony, with the support of the Mohegan and Narragansett tribes, is significant because it marks the first time in English North America that a native population was removed by conquest. Westport shares in this history because it was in the Great Swamp along Sasco Creek, which today forms the town's eastern border with Fairfield, that the last of the fugitive Pequot, under the leadership of the Sachems Sassacus and Mononotto, were hunted down. Those not killed were sold into slavery to Bermuda or dispersed among tribes friendly to the English. This battle, which is known as the Great Swamp Fight, took place in July of 1637. It is said that 180 Pequot were killed. Sassacus and Mononotto escaped to New York, though Sassacus was later killed by the Mohawk.

Fairfield County was thus opened to English settlement following the conquest of the Pequot tribe. In 1639, just two years after the Pequot War, the

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deputy governor of the newly established Connecticut Colony, Roger Ludlow, led the establishment of the first settlement in Fairfield County on a large tract of land purchased from the Pequonnock, setting aside reservations for various clans or sub-tribes. The tract of land so purchased was known originally as Uncoway, after the Uncawa tribe, and included what today forms the towns of Fairfield, Redding, Weston, Easton, part of Bridgeport, and most of Westport. In 1645, the settlement was formally named Fairfield as the fourth town established in the Connecticut Colony. The Pequonnock retained a settlement on Golden Hill, which in 1659 was formally recognized as the Golden Hill Reservation.

For its first two centuries the entire area east of the Saugatuck River, in what is now Westport, was part of the Town of Fairfield. That part west of the Saugatuck River was part of Norwalk. The first settlement of greater Fairfield occurred in 1639 where the Fairfield Town Green now stands. In 1648, five “Bankside Farmers” settled in what would become in time the Town of Westport. Known simply as Bankside, this settlement was located on elevated shorelands between Sasco and New Creeks, in the Frost Point vicinity and near Green’s Farms.

In 1671, to secure its territory, the greater township of Fairfield set aside a half mile wide commons running east and west, about two miles north of today’s Kings Highway. Centrally intersecting this was another commons, one mile wide, running north and south. “Long lots” granted to homesteaders were laid out parallel to the Mile Commons. In 1703, a school house was erected just north of Bankside, in what is now known as Green’s Farms. In 1711, the first meeting house in the Westport portion of Fairfield was erected just west of New Creek, near Machamux Rock at the foot of what is now Momingside Drive South. A cemetery was also laid out near where Green’s Farm Road crosses Muddy Creek. In 1737, a new Green’s Farms Meeting House was erected opposite the cemetery. In the theocratic tradition of the day, the meeting house was for both church and state – the center of the newly established West Parish of Fairfield.

By the 1720s this farming community had prospered, broadening its settlement to encompass land from the tidewater of Compo Cove and the fresh headwaters of Muddy Brook, into the northerly interior of town, to the so-called Long Lots. Compo Neck, which

stretches westerly from the Cove to the mouth of the Saugatuck River, was also settled. By 1732, the West Parish had three school districts which reflected the settlement pattern to date – Green’s Farms, Long Lots and Compo.

Early European settlement of New York and New England had to this point been largely restricted to the coast which permitted easy access by water. However, following the conquest and submission of the Native American population, interior portions of New England were opened for settlement. This also encouraged greater inland transportation between cities. In 1672, Kings Highway was laid out through what is now Westport as part of a great undertaking connecting New York City and Boston by overland road. Homesteads, roadway inns, and shops were soon erected along this highway, thus beginning the second phase of settlement of Westport lands.

This expanded pattern of settlement also included lands that were part of the Town of Norwalk, west of the Saugatuck River, that later became part of Westport. As there were no bridges across the river, the new highway followed the old Pequot Trail across a natural ford just north of today’s Westport Center, and by 1700 settlement of this upriver area was beginning as well. Eventually, even more remote interior areas of town were settled, with such farming hamlets as Coleytown in the northernmost part of today’s Westport, and Taylortown on Old Hill. Weston was also settled as Europeans moved inland.

Kings Highway was further improved during the 1750s, under the guidance of Benjamin Franklin, as the Boston Post Road – the primary corridor connecting the northeast colonies’ major urban centers. In 1761, a Kings Highway bridge was erected over the Saugatuck River. The first wharves had also been erected by this time on the Saugatuck, on what was still the Norwalk bank at Edge Hill. By the time of the American Revolution, the town’s farming community, with access both by land and sea, was prospering as it marketed its produce to neighboring communities and even abroad.

Throughout the colonial settlement era, slavery was part of the local economy. While much smaller in scale than in the South, slavery in Connecticut did not start to wane until just before the Revolution. At its peak, it is said that slavery accounted for 6% of the population of Fairfield County. In 1774, Connecticut banned the importation of slaves.



During the Revolution, some slaves earned their freedom by fighting for the patriots. In 1783, the state passed legislation to phase out slavery, granting freedom to slaves upon the age of 25. In 1845, slavery was formally abolished altogether.

### **Revolutionary War**

The town would see action during the Revolutionary War, as this agrarian market redirected itself to the cause of supplying American troops. To disrupt these patriotic efforts, a British sea force, under General William Tryon, landed at Compo Point on April 25, 1777, and marched northward to pillage military stores stockpiled at Danbury. Three days later, as the British returned to their ships, another battle took place at Compo Hill.

Two years later, on July 7, 1779, Tryon and his British troops, this time with German mercenaries as well, returned in a further attempt to disrupt the supply lines to the Continental Army. Landing at McKenzie's Point and marching over Sasco Hill, the first exchange of gunfire was near Black Rock in Fairfield. A simultaneous invasion led by the British General George Garth landed near Mill River in what is today Southport and marched to join Tryon. Encountering resistance, homes were set afire by the British. As the British returned to their ships the next day, almost every structure they passed was burned. In that part of Fairfield that is now Westport, the old West Parish Meeting House of Green's Farms, fifteen houses, and eleven barns were burned. The economic impact on all of what was then greater Fairfield was substantial, and led to the relocation of much of the county's commerce to Bridgeport.

### **Early Republic**

With the emergence of American sea trade after the Revolution, a descendant of the original Jesup family of Green's Farms, Ebenezer Jesup, undertook a major maritime development of the Saugatuck River, constructing a wharf near its navigable headwaters. In 1811, to promote his new port, Jesup arranged for the construction of a new highway by his riverfront facility, including a new carriage bridge across the Saugatuck River. By diverging from the Kings Highway, Jesup impacted on the future of Westport in two ways. First, Kings Highway was left as a side road, thereby preserving its colonial heritage to this day. Second, he began the development of what would become Westport Center on the Saugatuck River.

The year 1818 saw a fundamental change in state politics, as power transferred from the established Congregational oligarchy to a new republicanism founded on Jeffersonian ideals. Church and state were finally independent and dissident groups associated with the maritime communities of southern New England began to forge a new political power. The maritime community of the Saugatuck River was part of this movement, identifying more with the disestablishmentarian attitudes of the New York and Rhode Island merchant classes than of the old puritanical Congregationalism of Connecticut's landed gentry.

In 1835, in large part due to this new political awareness, Westport was incorporated as a separate town encompassing both sides of the Saugatuck, though it excluded for these same political reasons the old West Parish of Green's Farms. A portion of Weston also joined the new Town of Westport. The name "Westport" was selected to reflect the port's new prominence in western Connecticut.

While remaining part of Fairfield, the farming interests of the Green's Farms and Long Lots districts were integrally intertwined with the port operations of Westport and Southport as the export market for farm produce continued to expand. Within seven years, the Green's Farms and Long Lots districts overcame their philosophical differences with Westport and elected to merge with the new town.

### **Mid-Nineteenth Century**

The ports of the Saugatuck and Mill Rivers shipped grain and agricultural produce to as far away as Texas and the West Indies, in return for sugar, molasses, cotton, and lumber. While the development of superior farmlands in newly opened lands of the American interior meant the end to many New England farms, local farming survived and even thrived by supplying the nearby booming New York City metropolitan area with fresh dairy and agricultural produce. Moreover, Westport's farmlands were remarkably suited for the farming of onions, and the town became famous for its many varieties. During the Civil War, Westport was the major supplier of onions to the Union troops. This era was also significant for the "Underground Railroad" which is reputed to have operated via the river and Old Hill in the northwest part of town to Weston and beyond.

Westport's farms thus prospered, with wealthy

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homesteads built throughout the nineteenth century. However, in the 1890s, a cutworm infestation all but wiped out onion farming in Westport, and agriculture largely succumbed to the much larger operations of the American Midwest. The one areas of agriculture that survived were dairy and the cultivation of corn and hay as feed of dairy cows. Oystering was another prosperous activity with numerous dedicated oyster grounds along the town's Long Island Sound shoreline.

Meanwhile, Westport Center had become the town's financial and business center. The bridge that Jessup had built there in 1811 remained the main route over the Saugatuck River until 1873, and was thus a primary force in consolidating commercial interests in Westport Center during the era of the river port economy. From Westport Center to Compo Point, the new merchant class erected stately houses along the shores of the river. These were intermixed with the wharves, ship and coal yards and factories of the maritime community. Willowbrook Cemetery was laid out during this time following the romantic landscape traditions of the mid-nineteenth century. In 1882, the original Staples High School was founded. A horse trolley connected Westport Center along Riverside Avenue to a railroad depot down river. A steamboat wharf was located at National Hall.

Upriver from Westport Center, along the non-navigable waters of the Saugatuck, emerged the town's first true industrial concerns. The Saugatuck Manufacturing Company was erected there in 1814, utilizing the waterpower of the river. In time, this district became known as Richmondville.

After the Civil War, another mill village emerged towards the mouth of the river, near a railroad bridge built in 1858 and a carriage bridge built in 1873, the first bridges over the Saugatuck River to be built south of Westport Center. Inhabited by Irish and later Italian immigrants, this village usurped the name Saugatuck, which had earlier been applied to Westport Center. Though there were several other small factories located along Riverside Avenue, the emergence of coal power and the railroad concentrated factories in larger cities and Westport never became a major center of manufacturing.

Westport's prominent families of the time were engaged mostly in commerce and shipping, and during the economic boom of the post-Civil War 1870s, many of Westport's fine Italianate styled

houses were erected. However, the turn of the twentieth century saw the general demise of smaller seaports as shipping became consolidated in larger cities. Without the railroad, Westport Center had seen little in the way of industrialization. Instead, its energy was redirected to the professional and service sectors of what was soon to become an exclusive exurban resort community.

### Turn of the Twentieth Century

While the railroad, which had been constructed along the Westport shoreline in 1858, never brought industrialization to town, it would have an important impact on it. By the 1880s, commuter lines gave the wealthy elite of New York City access to the amenities of Westport's countryside and Long Island Sound shoreline. Thus began the era of great exurban estates and summer shoreline resort community. Salt marsh farms became waterfront estates, particularly along Beachside Avenue. New estates arose amongst the older sea captains' houses on the Saugatuck. Interior farms became vast country estates, with a number in the northernmost part of town.

The late nineteenth century country estate of Morris Ketchum off Cross Highway encompassed 500 acres, laid out in the naturalistic manner of Frederick Law Olmstead, the foremost American landscape architect of the nineteenth century. The 180-acre Longshore estate was built by George Laurence on Long Island Sound during the 1880s. During the 1920s, Laurence's estate was taken over by the Longshore Country Club, in which capacity it continues to this day. The Beachside Inn was erected about the same time overlooking Phipps' Beach near Green's Farms Railroad Station and became a popular resort for wealthy city dwellers. E. T. Bedford erected his estate on Beachside Avenue at the turn of the twentieth century, his extensive grounds including a race track. Bedford would become a major benefactor of the Town of Westport, financing school buildings, a fire station and the YMCA building during the first part of the twentieth century. In 1908, the Westport Public Library was established.

While Beachside Avenue had become an exclusive residential community by 1920, a more modest cottage resort community was constructed overlooking Long Island Sound at Compo Beach. A bathing pavilion was erected there in 1919, and in 1927 an expansive beach compound was completed

with dining and dance halls, bath houses and lifeguard facilities. Soon a yacht basin was dredged. A similar compound of bungalows soon emerged in the Compo/Owenoke area. The Miramar, a luxurious 1920s speakeasy, was erected on Hillspoint Road in 1919, but no longer stands. This is also the era that saw Westport become one of the premier artists' communities in the United States. The Westport Country Playhouse, for instance, has been active since 1930.

The integrity of the historic and natural environment of early twentieth century Westport fostered the emergence of what characterizes much of Westport's architecture today. At the time, older houses were recognized as historic and were renovated into picturesque country estates. New estates attempted to reflect the gentrified agrarian traditions of old Westport. The popularity in Westport of what has become known as the Colonial Revival style is reflective of the great interest that was shown a century ago in New England's rural and colonial architectural heritage.

### **Mid-Twentieth Century**

By 1920, with the emergence of the automobile as an integral part of the upper class mainstream, Westport began to see its first true suburban development. During 1924, the state rebuilt Boston Post Road through town as part of the northeast's first true automobile highway – US Route 1. The construction of the Merritt Parkway, part of the Depression-era WPA effort, through the northern portion of town consolidated Westport's evolution from a town of exurban country estates and summer cottages to one of a fashionable suburban community. Completed in 1940, the Merritt Parkway, with its individually designed bridges, has been listed on the National Register of Historic Places.

By the time the Connecticut Turnpike (now I-95) was cut through southern Westport in 1956, most of Westport's open lands had been subdivided. Today we recognize this period of early suburbanization to be part of the historic fabric of the town.

### **Today**

Westport's historic fabric of colonial homesteads, Victorian maritime community, country estates, seaside cottages, and comfortable suburbs remains largely intact. However, in just the past few years, a number of historic residences have been demolished

to make way for larger houses, with the Town of Westport having one of the highest, if not the highest, rates of tear-downs in the state. Nonetheless, identifiable areas that maintain a distinct sense of history and place, and that are worthy of protection, are found throughout the Town of Westport. Among these areas are the following:

- Bankside
- Beachside
- Burying Hill Beach
- Charcoal Hill
- Coleytown
- Compo
- East Bank
- Edge Hill
- Frost Point
- Green's Farms
- Long Lots
- Mill Cove
- Newtown Turnpike
- Old Hill
- Old Mill Beach
- Poplar Plains
- Richmondville
- Roseville
- Saugatuck
- Saugatuck Shores
- Taylortown
- West Bank
- Westport Center

While the environment we seek to preserve retains much of its historic integrity, there are threats. In particular, there is the pressure of speculative commercial interests capitalizing on the prosperity that the tradition of environmental respect has brought to Westport. Unchecked, development which is not compatible with Westport's long commitment to the natural and architectural environment can only compromise the very zeitgeist of the community.

Fortunately, the town has adopted significant measures through its Historic Design Districts and Local Historic Districts, historic preservation zoning initiatives, and demolition delay ordinance, to promote more appropriate development in the future. With this handbook, the Historic District Commission continues its progress towards a comprehensive townwide historic preservation plan – a plan which can preserve Westport's heritage for future generations.

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## Colonial



*John Osborn House, c.1683-87, possibly the earliest extant house in Westport*



*Taylor/Norris/Nash House, c. 1727*



*Lt. John Taylor House, c. 1712*

Federal



*Dennis Nash House, c. 1730 Colonial with c. 1812 Federal renovations*



*Hyde/Birge/Woodford House, c. 1783, transitional Colonial/Federal*



*Ebenezer Banks Adams House, c. 1838, transitional Federal/ Greek Revival*

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### Greek Revival



*Ebenezer Banks Adams House, c. 1838, transitional Federal/ Greek Revival entranceway*



*The Knoll, c. 1838, Greek Revival with full temple façade, c. 1840*



*William Meeker Farmhouse, c. 1838 with emerging Greek Revival detail and side hall plan*

Italianate



*John Perry House, c. 1869*



*Vernacular cottage with Italianate influence, c. 1860*



*George Platt House, c. 1851*

Gothic Revival



*Christ and Holy Trinity Episcopal Church, Gothic Revival, 1863*



*Winslow Gate House, transitional Gothic Revival/Italianate, 1855*



**Stick Style**



*Norman Kellogg House, 1883*

**Eastlake**



*Eastlake porch on probable earlier house*

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### Queen Anne



*Hubbell House, c. 1900*

### Craftsman Style



*Craftsman Style bungalow, c. 1915*

Colonial Revival



*Compo Parkway House, c. 1925*



*Francis Converse House, by Charles E. Cutler Architect, c. 1922*



*Beachside residence, c. 1934*

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## Romantic Revivals



*Beachside house in English cottage style, c. 1925*



*McCune House, Mission Revival style, c. 1920*



*Chateausque by Charles E. Cutler, Architect, c. 1928*

Arts & Crafts



*Windells House, by Frazier Peters, Architect, 1925*



*House in style of Frazier Peters, Architect, c.1925*

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### Romanesque Revival



*Former Methodist Church, c. 1907*

### Italianate



*National Hall, c. 1870*

Beaux Arts



*Former Bedford Elementary School, now Westport Town Hall, 1916*



*Former Westport Library, 1908*



*Former Westport Bank & Trust, by Charles E. Cutler; Architect, 1924*

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### Collegiate Gothic & Neo-Medieval



*Green's Farms Elementary School, by Charles Cutler Architect, 1925*



*Green's Farms Academy, formerly the R. T. Vanderbilt Estate, by Harrie Lindeberg, Architect, c. 1934*



**Modernist**



*Allen House, 1958, photo by Winston Allen, PhD*



*Unitarian Church in Westport, c. 1965*

Modernist



*Unitarian Church in Westport Meeting House, c. 1965*

### HDC Authority under Connecticut General Statutes

The Westport Historic District Commission (HDC) was established in 1973 by Chapter 29 of the Town of Westport Charter to review any and all alteration, demolition, or construction of buildings and other structures within the boundaries of Westport's regulated Local Historic Districts. The Commission is empowered to exercise all the powers, duties, and functions enumerated under the *Connecticut General Statutes (CGS) Chapter 97a Historic Districts and Historic Properties. Part 1 of Chapter 97a* pertains to Local Historic Districts. *Part 2* pertains to Local Historic Properties.

CGS Sections 7-147a(b) and 7-147p(b) enable the legal formation of Local Historic Districts and Historic Properties, as follows:

*Any municipality may, by vote of its legislative body and in conformance with the standards and criteria formulated by the Connecticut Commission on Culture & Tourism establish within its confines an historic district [property] or districts [properties] to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of [individual] buildings and places associated with the history of or indicative of a period of style of architecture of the municipality, of the state or of the nation.*

Note that a vote of property owners within a proposed Local Historic District is also required. A two-thirds majority of returned ballots is required to approve the Local Historic District. For a proposed Historic Property, the owner or a simple majority of multiple owners of such property must not object.

Procedures for establishment of such Local Historic Districts and Historic Properties are specified in CGS Chapter 97a. Chapter 97a is included in its entirety as an appendix in this handbook. Establishment of such "local" regulated Historic Districts and Historic Properties should not be confused with historic districts listed on the *National Register of Historic Places*. The *National Register* is discussed as another appendix of this handbook.

Under CGS Section 7-147c, the HDC is established as the authority responsible for all functions relative to regulated Local Historic Districts and for administering the provisions of General Statutes

related to Local Historic Districts. Section 7-147r provides that the HDC can be the authority having jurisdiction over Historic Properties. The Westport HDC has been so empowered to also regulate Historic Properties.

Requirements of the HDC regarding membership, rules of procedure, hearings, variations, restraining orders, legal action, appeals and certificates of appropriateness are set by CGS Chapter 97a. These procedures are discussed in a later section of this handbook. In accordance with Chapter 97a, The Town of Westport Charter provides that the HDC consist of five members and three alternate members, all of whom shall be electors of the town holding no salaried municipal office, as appointed by the First Selectman.

CGS Section 7-147d and 7-147s, as applicable respectively to Local Historic Districts and Historic Properties, states:

- a) *No building or structure shall be erected or altered within an historic district [located within the boundaries of an historic property] until an application for a certificate of appropriateness as to exterior architectural features has been submitted to the historic district commission and approved by said commission. [No earthworks or site of recognized historic or archaeological importance within the boundaries of an historic property shall be altered until after an application for a certificate of appropriateness has been submitted to the historic properties commission and approved by said commission.]*
- b) *No building permit for erection of a building or structure or for alteration of an exterior architectural feature within an historic district [the boundaries of an historic property] and no demolition permit for demolition or removal of a building or structure within an historic district [the boundaries of an historic property] shall be issued by a municipality 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.*
- c) *The historic district commission may request such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of property*

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*after such demolition or removal, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application. The style, material, size and location of outdoor advertising signs and bill posters within an historic district shall also be under the control of such commission. The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure.*

d) *No area within an historic district [the boundaries of an historic property] shall be used for industrial, commercial, business, home industry or occupational parking, whether or not such area is zoned for such use, until after an application for certificate of occupancy as to parking has been submitted to the commission and approved by said commission.*

CGS Section 7-147f(b) limits HDC regulatory control to exterior historic and architectural features. Interior arrangement or use is not regulated, except that the HDC may make recommendations as to the adaptive reuse of any building or structure.

CGS 7-147g and 7-147v, as respectively applicable to Local Historic Districts and Historic Properties, provides the HDC with the authority to vary the requirements for a certificate of appropriateness for unusual circumstances, and in so doing to require additional stipulations and conditions that will in the judgment of the HDC better fulfill the objectives of the HDC.

In addition to its regulatory responsibility with respect to the issuance of certificates of appropriateness, CGS Section 7-147c(j) states that the HDC may also serve the following functions:

- Make reports to the municipal legislative body
- Provide information related to preservation of historic districts
- Suggest pertinent legislation
- Initiate planning and zoning proposals
- Cooperate with other legislative and regulatory authorities in matters related to historic preservation
- Cooperate with civic organizations interested in historic preservation
- Comment on all applications for zoning variances and special exceptions where they affect Local

Historic Districts, Historic Properties, and/or any property listed on the Westport Historic Resource inventory (HRI)

- Render advice on public right-of-way improvements, such as streets, sidewalks, and trees
- Render advice on publicly owned buildings not otherwise under HDC control where they affect historic districts
- Assist in capital improvement programs involving historic districts
- Consult with groups of experts

The Commission is a branch of local government and its decisions are binding under the law. The jurisdiction of the Historic District Commission is independent of and equal to that of any other local governmental authority except a court of law upon appeal.

The design guidelines that follow later in this handbook are provided to facilitate the design and review process, but cannot be expected to provide precise and fixed standards for design. It is the intention of the Historic District Commission to promote excellence in design which is not incongruous with the historic context. In the words of the State Historic Preservation Office:

*Historic district designation carries with it no inherent restrictions, only a review process to prevent incongruous change.*

### **HDC Authority as a Designated National Park Service Certified Local Government**

The Historic District Commission is authorized to implement certain historic preservation initiatives of the federal government, acting in conjunction with the State Historic Preservation Office (SHPO). This joint local-federal program was enabled by Congress in 1980, as an amendment to the National Preservation Act of 1966. This amendment created a program wherein the National Park Service can designate a local municipality as Certified Local Government (CLG), thereby empowering that local municipality with the authority to implement federal initiatives related to historic preservation, pursuant to procedures established by the SHPO.

The Town of Westport was designated a CLG by the National Park Service in 1986. In Connecticut, the official SHPO is now the Historic Preservation &

Museum Division of the Connecticut Commission on Culture & Tourism, having superseded the former Connecticut Historical Commission that was in place during the publication of earlier editions of this handbook. To maintain its status as a CLG, Westport must by law do the following:

- Enforce state and local regulations pertaining to the designation and protection of historic resources
- Maintain an adequate and qualified historic preservation review commission, i.e., the HDC
- Maintain an ongoing survey and inventory system for historic resources, i.e., the *Historic Resources Inventory*
- Provide for public participation in the local historic preservation program, including the process of recommending properties for the National Register of Historic Places
- Satisfactorily perform the responsibilities delegated to the CLG

The Connecticut State Historic Preservation Office, in 1997, commented on the purview of the Westport HDC, in conjunction with the development of the *Westport Plan of Conservation & Development*, as follows:

*Under Connecticut law a local historic district/property commission's purview is effectively limited to conducting regulatory, educational, and other activities which are related to existing or proposed local historic districts and/or properties. However under federal law, a local historic district/property commission which has been approved by the municipality, the SHPO, and the U.S. Department of the Interior as the municipality's "historic preservation commission" has an additional mandate to conduct non-regulatory educational, advocacy, and protection activities designed to encourage the "public and private preservation and utilization of all usable elements" of the municipality's historic built environment. Such activities may include, but are not necessarily limited to, providing the [State Historic Preservation Office], municipal agencies, boards, and commissions and/or their staffs or other appropriate parties with expert advice and comment on issues relating to historic preservation in the Town of Westport. Advice and comment may be rendered either upon request or*

*on the commission's own initiative.*

In summary, the Historic District Commission is empowered by federal and state law to act in a number of ways, in addition to its Local Historic District and Properties review powers, to promote the preservation of historic resources. It may for instance:

- Provide leadership in the preservation and utilization of historic resources
- Encourage public and private preservation and utilization of historic resources by both organizations and individuals
- Provide financial and technical assistance in matters related to historic preservation
- Administer publicly owned historic resources
- Administer public funding for local preservation initiatives as authorized by the federal and/or state government
- Maintain an inventory of townwide historic resources worthy of special consideration for preservation
- Recommend that districts and individual properties be nominated to the National Register of Historic Places
- Recommend that the expansion of an existing or designation of a new Local Historic District be submitted for vote by property owners
- Recommend that the expansion of an existing or designation of a new Historic Design District be adopted by the Planning and Zoning Commission
- Comment on zoning variances and special use permits in historic districts
- Engage the expertise of consultants who are not themselves members of the Historic District Commission
- Advise or otherwise make information available to the public on historic preservation matters
- Further the public awareness by administering the Westport Annual Preservation Awards program
- Interact with both governmental and private agencies on matters of mutual concern and provide advice, recommendations and proposals to the same. Historic preservation initiatives, for instance, may bear upon the following:

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- Zoning regulations on use and bulk as pertinent to historic character
- Incentives for preservation through zoning trade-offs
- Tax incentives for preservation
- Economic development incentives for preservation
- Public works standards, particularly with respect to the public right-of-way – roadways, sidewalks, street signs, utility poles, etc.
- Schools and other public buildings
- Subdivision of rural lands
- Preservation of “gateway” areas between historic districts and surrounding lands
- Designation of scenic roads

The mandate of the HDC, as enabled by both Connecticut General Statutes and the National Park Service, is thus to preserve and wherever possible enhance the historic and architectural character of the town’s historic resources, whether or not those resources are a designated Local Historic District or Historic Property. In particular, the HDC has an advisory responsibility to other town agencies, and in particular to the Planning and Zoning Commission, which in its enforcement of the *Westport Zoning Regulations* should look to the HDC as the town’s expert authority on historic resources. A discussion of pertinent zoning regulations is included in Part 4 of this handbook.

### Westport Demolition Ordinance

Pursuant to CGS Section 29-406(b), the Town of Westport has adopted a demolition ordinance. Per Section 14-21 of the Westport Code of Ordinances:

*The purpose of this ordinance is to authorize the Town of Westport, as allowed by C.G.S. §29-406(b), to impose a waiting period of not more than 180 days before granting a demolition permit for certain structures of architectural, historical, or cultural importance. The objective of this ordinance is to promote the cultural, economic, educational and general welfare of the Town of Westport by establishing a process whereby the owners of buildings with significant historic, architectural or cultural characteristics will be informed of the benefits of historic preservation, rehabilitation and reuse of such buildings and structures. The waiting period will provide time for all interested parties to consider and put forth*

*alternatives to demolition.*

It is the policy of both the Building Department and the Planning and Zoning Department to refer the proposed demolition of any structure 50 years or older and larger than 500 square feet to the HDC for review and comment before issuing a demolition permit. Administrative procedures are specified in the *Demolition Permits Ordinance* as included in the appendices of this handbook.

### Visibility from Public Way

As the authority having jurisdiction for designated Local Historic Districts and Local Historic Properties, the HDC governs all construction activities that would be visible from any “public way” in the absence of planting.

It is the HDC policy that any of the following, individually and not necessarily in combination, constitute a public way for the purposes of regulating Local Historic Districts and Properties:

- Federal, state, or town owned highway, roadway, pedestrian way, trail, railway, bikeway, or waterway
- Any way that is maintained by any federal, state or town governmental entity
- Private ways where public access is invited, as for instance commercial, business, industrial, or multifamily parking lots
- Private roadways within and/or along any designated Local Historic District or Property
- Private roadways and rights of way that have been commonly used by the public without owner’s objection

### Town Zoning Regulations

Historic District Commission responsibilities, under its jurisdiction as a Certified Local Government (CLG), extend to the enforcement of the town’s Zoning Regulations, in an advisory capacity, in all matters related to historic preservation. While ultimate authority under zoning resides with the Planning and Zoning Commission (P&Z), the HDC must be consulted where historic resources may be impacted. Moreover, the HDC is empowered to initiate recommendations to P&Z as may pertain to the continued development and enforcement of the Zoning Regulations. This is significant as Westport has adopted strong historic preservation initiatives within its Zoning Regulations, apart from the Local Historic Districts and Properties regulated by the

**HDC AUTHORITY AND RESPONSIBILITIES**

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HDC.

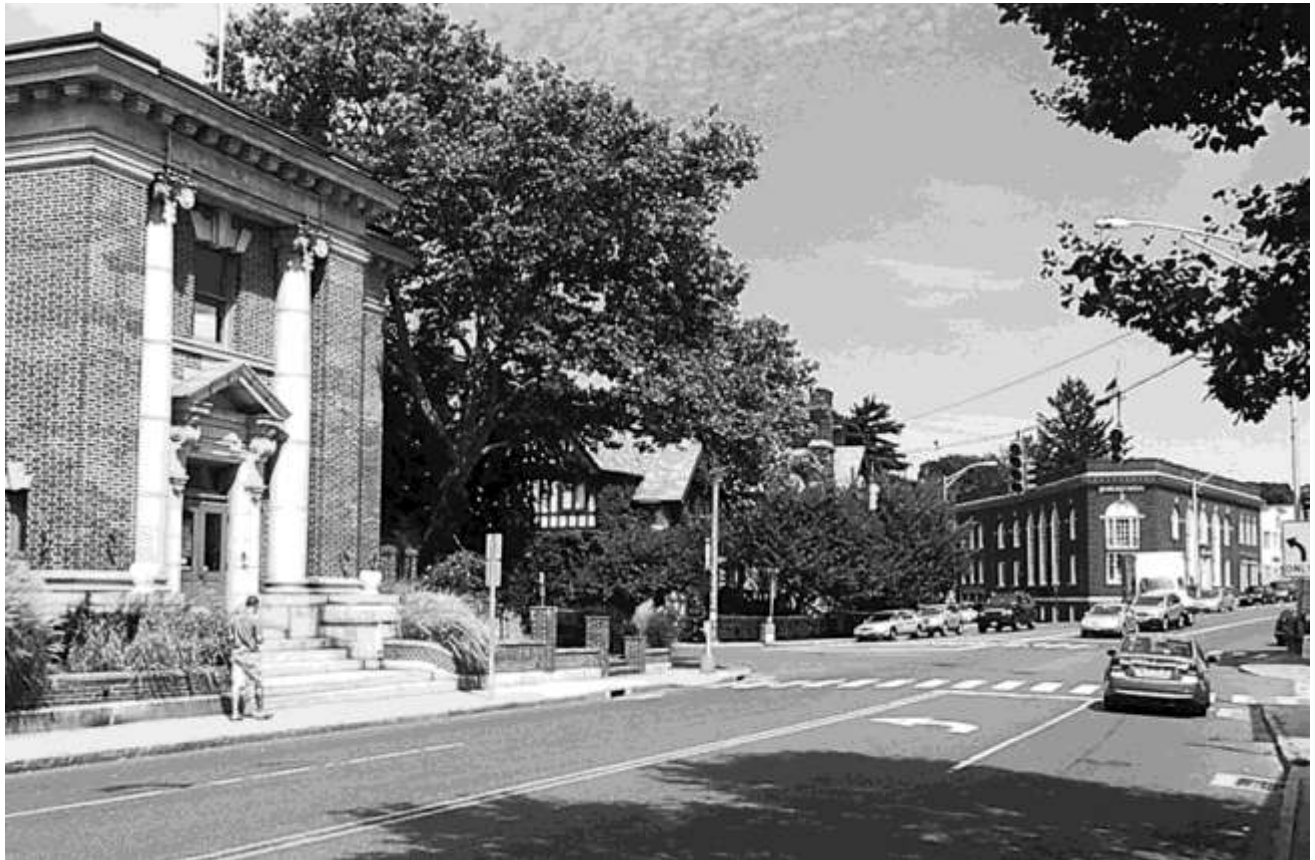
General requirements of the Zoning Regulations that pertain to all Zoning Districts, and that pertain to the HDC advisory responsibilities, include but are not necessarily limited to the following:

- Special Permit and Site Plan Review
- Subdivisions
- Archaeological Reports

In addition to the general requirements of zoning, the following Zoning Districts have specific

requirements that require the input of the HDC:

- Historic Design District
- Historic Overlay District
- Business Preservation District
- Business Center District/Historic
- General Business District/Saugatuck
- Design Development District
- Historic Residential Structures



*Post Road at Westport Center*

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*Compo Cove*



*National Hall Historic District*



### **Types of Historic Designation**

There are several legal designations for historic districts, properties, and zoning districts within the Town of Westport. The purpose for such separate designations is largely one of jurisdiction.

Lack of designation of any individual property as a Local Historic Property or as part of a Local Historic District should not be construed as lack of historic significance. Local, state, and federal historic survey work is an ongoing effort, and it is one of the responsibilities of the Historic District Commission to pursue such initiatives.

In addition to designation as a Local Historic Property or Local Historic District, the *Zoning Regulations* include seven zoning districts that have particular requirements pertaining to historic preservation, along with detailed requirements for individual historic residential structures. All afford varying measures for preservation. While only Local Historic Districts and Historic Properties fall entirely within the legal jurisdiction of the Historic District Commission (HDC), the HDC has advisory responsibility to the Planning and Zoning Commission (P&Z), which in turn should look to the HDC as its expert advisor on all historic preservation matters.

In total, regulated historic designation within Westport includes the following, which are further described hereafter:

- Local Historic Districts
- Local Historic Properties
- Historic Design Zoning Districts
- Historic Overlay Zoning Districts
- Business Preservation Zoning Districts
- Business Center Zoning District/Historic
- General Business Zoning District/Saugatuck
- Design Development Zoning Districts
- Historic Residential Structure

Maps of the above districts are included in Part 4.

### **Local Historic Districts**

Since 1961, any municipality in Connecticut has been enabled by state law to:

*...establish within its confines an historic district or districts to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinct characteristics of buildings and places*

*associated with the history of or indicative of a period or style of architecture of the municipality, of the state or of the nation.*

The Town of Westport's regulated Local Historic Districts have been created by consent of the property owners within each District. By state law, Local Historic Districts require a vote of affected property owners' with a minimum two-thirds of submitted ballots being in approval. To date, the following Local Historic Districts have been adopted by property owners:

- Evergreen Avenue Historic District
- Gorham Avenue Historic District
- Kings Highway North Historic District
- Jesup Road Historic District
- Momingside Drive South Historic District
- Violet Lane Historic District

Local Historic Districts established by a municipality under state enabling legislation should not be confused with National Register Historic Districts. A Local Historic District, while sometimes based on a previously established National Register Historic District, is jurisdictionally distinct from the latter. Similarly, Local Historic Districts are jurisdictionally distinct from zoning districts as regulated under the *Zoning Regulations* of the Town of Westport.

Many other areas of town are deemed eligible for designation as a Local Historic District. The *Recommendations Report for Potential Local Historic Districts*, published by the HDC in 2008, identified 102 such potential districts. For a full list of these historic resources, see that report. All these districts are deemed worthy of the protection afforded by the regulations and guidelines of this handbook, given the due process of property owners' electing to become a Local Historic District.

All proposed construction activities within a Local Historic District are regulated by the HDC. The HDC has adopted design guidelines for appropriate design that form a later part of this handbook. These guidelines, however, are not intended as fixed standards. Instead, the design guidelines stress the design issues which must be considered and the context of characteristic building traditions within which appropriate design must be judged.

### **Local Historic Properties**

Individual properties which are not part of a larger regulated Local Historic District may be designated a

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Local Historic Property thereby granting the Historic District Commission design review authority over same. Such designation requires the approval of the property owner at the time of designation. Designation as a Local Historic Property is permanent – it is not subject to removal upon transfer to future owners.

A Local Historic Property must meet the same procedural requirements for design review as do properties within a regulated Local Historic District.

To date, the following Local Historic Properties have been adopted by property owners:

- Adams' Academy
- Allen House
- Batterson-Brotherton House
- Easton Road Toll House/Goodsell/Grumman/McCoy House
- Edward Burr/Capt. Thomas Nash House
- Emily McLaury House
- West Parish Meeting House
- Lower Green's Farms Colonial Burying Ground
- Machamux Boulder-West Parish Common
- Meeker Elwood House and Cross Highway Garage
- Morehouse-Jennings House
- Morehouse-Taylor House
- Veteran's Green
- Wakeman Farm

The above Local Historic properties are more fully described, including legal addresses and boundaries, in the *Westport Code* as transcribed in the appendices of this handbook.

In addition to these Local Historic Properties, the town's *Historic Resources Inventory* includes hundreds of individual historic properties that are deemed eligible to be a Local Historic Property. Some of these fall within existing Local Historic Districts, and others into one of the 102 identified potential Local Historic Districts, but some are stand-alone properties. All these individual properties are deemed worthy of the protection afforded by the regulations and guidelines of this handbook, given the due process of a property owner electing to become a Local Historic Property. However, until so designated, they remain outside the jurisdiction of the HDC unless otherwise included in a zoning district with historic preservation requirements. For a full list of these individual historic resources, one is referred to the most recent update of the *Historic Resources Inventory*.

### Historic Design Zoning District

Historic Design District designation is a planning and zoning regulation specific to the Town of Westport. To be so designated, a district normally is also on, or eligible for, the National Register of Historic Places. However, any area recommended by the HDC must be considered by the Planning and Zoning Commission for zoning as a Historic Design District. In general, Historic Design Districts are intended to promote a uniform amenity based strictly on the historic context.

Presently, the following areas have been designated under the *Zoning Regulations* as a Historic Design District:

- National Hall
- Post Road West
- Wilton Road

The *Historic Design District* is a separate and distinct zoning district. As such, permitted uses and bulk requirements are restricted within the district. In general, this zoning district recognizes the unique and varied aspect of historic areas, and allows some discretion in an effort to promote the preservation of the same. Flood Plain regulations are also relaxed for historic structures within a Historic Design District.

Note that the architectural design, scale, and massing of any proposed construction activity within a Historic Design District must be reviewed by the HDC, who in turn shall make appropriate recommendations to the Planning and Zoning Commission for the latter's final approval. Thus, the design guidelines of this handbook pertain to all existing and proposed structures within any Historic Design District, whether or not also part of a Local Historic District.

In addition, the Historic Design District has the following specific requirements:

- All facades along public streets and riverfronts must be restored, with façade easements guaranteeing preservation granted to the town
- Streetscape items such as curbing, paving, lighting, signs, landscaping, and outdoor furniture must adhere to a uniform design scheme for the entire district as recommended by the HDC and approved by the Planning and Zoning Commission

As stated in the *Zoning Regulations*:

*The purpose of the Historic Design District is to:*

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- (a) prevent the potential loss of significant exterior historic factors and public buildings;*
- (b) preserve the visual character and appearance of historic buildings that are on the National Register of Historic Places;*
- (c) reduce traffic impacts on local streets and intersections;*
- (d) provide additional parking;*
- (e) discourage traffic generation and parking demand during peak periods on the local streets;*
- (f) encourage residential land uses; and*
- (g) encourage visual and physical access to and along the waterfront.*

*Such special purpose districts should be limited to areas where buildings are on the National Register, where areas are served by public utilities, where areas are served by mass transit, where areas have frontage on two State Highways, and where areas have frontage on the Saugatuck River and areas where buildings are recommended to be preserved by the HDC.*

*The Planning and Zoning Commission may exempt open porches, ramps, decks, balconies and other similar open structural projections from building coverage; provided that such open structural projection will benefit public access, safety or convenience. The ordinary projection of entry platforms, steps, cantilevered roofs, eaves, cornices, chimneys, windows, awnings and similar incidental architectural features, however, shall be exempt from building coverage; provided such architectural features will not impair the historic appearance or integrity of the building.*

*The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roof line, and building elevations shall be of such character as to harmonize and be compatible with the historic buildings in the HDD District so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purposes of this district, in whole or in part.*

*Building facades along public streets and riverfronts shall be restored and preserved, and*

*façade easements may be granted to the Town. Proposed new exterior building additions and alterations Town of Westport Zoning Regulations - §30, Historic Design District 30-5 and roof top mechanical units shall be submitted to the Historic District Commission for review and recommendation. Architectural Review Board review and recommendation is not required.*

*Streetscape amenities (e.g. pavers, lighting, signage, landscaping, curbing, benches, etc.) shall adhere to a uniform design scheme throughout the HDD District. The uniform design scheme for the entire district shall be submitted to the Historic District Commission for review and recommendation.*

*The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places and located within a HDD shall be exempt from the provisions of §31-9, Flood Plain Regulations, provided that:*

*(1) A determination is made by the Planning and Zoning Commission that the proposed reconstruction, rehabilitation, or restoration will not destroy the historic character and design of the building;*

*(2) A determination that the reconstruction, rehabilitation or restoration will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.*

### **Historic Overlay District**

As stated in the Zoning Regulations:

*The purpose of the Historic Overlay District is to encourage the preservation, restoration, and rehabilitation of buildings of historical, architectural or cultural value and to preserve and prevent the loss of significant historic elements, buildings and sites, located within non-residential districts.*

*Standards For Eligibility: In order to qualify for the Historic Overlay District designation, the site must be listed on the National Register of Historic Places or the State Register of Historic Places either as an individual building or site or as a contributing building or site in a district. If*

*the site is not so listed then eligibility shall be determined by the Historic District Commission.*

*Designation: A site rezoned by the Planning and Zoning Commission to Historic Overlay shall continue to bear its original district designation, but with the initials HO appended to indicate a Historic Overlay district designation. All zoning regulations applying to the underlying district shall continue to govern the Historic Overlay District, except as amended by this section 39. Designation as a Historic Overlay or the removal of such designation shall be considered a change of zone.*

*Architectural Design: Proposed exterior building additions and alterations and roof top mechanical units shall be submitted to the Historic District Commission for review and recommendation.*

*The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall serve as the basis for rehabilitation projects within the Historic Overlay District. The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roof line, and building elevations shall be of such character so as to retain the architectural integrity of the particular building or buildings in order to preserve the beauty and appearance of the community.*

*New construction or reconstruction shall adhere to the design purposes and the historic character of the Historic Overlay District.*

*Special Permit: No reconstruction, alteration, or addition shall be made to any existing structure, nor shall any additional structure be constructed upon a site in the Historic Overlay District, unless a special permit has been issued by the Planning and Zoning Commission with a recommendation by the Historic District Commission. Ordinary maintenance and repair for which no building permit is required shall be exempted from this requirement.*

*Facade Easements: As a condition of the Special Permit, the owner shall grant a perpetual preservation easement pursuant to Connecticut General Statutes §47-42 a-c, enforceable by the Town of Westport, which shall provide for, among other things, the right of the holder of the*

*easement to perform repairs and charge the cost thereof to the owner upon the owner's failure to keep the exterior of the structure in good repair as specified by "The Secretary of the Interior's Standards for Rehabilitating Historic Buildings.*

### **Business Preservation District (BPD)**

As stated in the Zoning Regulations:

*These provisions are intended to retain the residential character of the existing buildings and are not intended to lead to the wholesale redevelopment of these areas to intensify the commercial use and to eliminate existing architectural scale and features. These BPD provisions are designed to create a zoning classification which would afford a reasonable and desirable linear, visual transition between established commercial areas. Framed residential structures in commercial areas along arterial streets tend to be replaced by larger more modern structures. The historical character of such areas is more residential in architectural design and building scale than more recently developed areas in the General Business District. Consequently, a limited business type zone is required to conserve the value of property while preserving the character of such areas and existing buildings therein from the standpoint of compatible land uses, architectural design, building scale and physical appearance. The BPD provides for such preservation and development.*

The following requirement of BPD is almost exactly as required for the other zoning districts with historic restrictions:

*The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roof-line, and building elevations shall be of such character as to harmonize and be compatible with the other buildings in the BPD District so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purpose of this district, in whole or in part.*

### **Business Center District/Historic (BCD/H)**

As stated in the Zoning Regulations:

*The purpose of the Business Center District/Historic is to prevent the potential loss of significant exterior historic features and to allow the preservation of buildings with historic interest to the community as determined by the Historic District Commission on the Town of Westport updated Historic Resources Inventory. In so doing, it fosters community pride, conserves the architecture of historic commercial areas and enables people to learn about local history. This zone will offer the property owners of these historically significant properties zoning regulations that are somewhat more flexible than those that apply to properties in the BCD. If a historic building or a historic portion of a building, as described in the most recent Westport Historic Resources Inventory, is to be demolished, the property will be subject to the permitted uses, lot area, setbacks, height, coverage, floor area, architectural design, signs, parking and loading, and landscaping provisions in the Business Center District regulations, and §29A-14 shall not apply.*

The Zoning Regulations for BCD/H later stipulate:

*Exterior reconstruction, alteration, or addition to any existing structure or a new construction requires a special permit with a combined recommendation from a joint meeting of the Historic District Commission and the Architectural Review Board. Ordinary maintenance and repair for which no building permit is required shall be exempted from this requirement provided there is no change to the exterior appearance of the building.*

The following requirement of BCD/H is almost exactly as required for the other zoning districts with historic restrictions:

*The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roof-line, and building elevations shall be of such character as to harmonize and be compatible with the older buildings in the BCD/H District so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purposes of this district, in whole or in part.*

BCD/H further requires the following:

*Proposed new buildings on the same lot as the historic building, exterior building additions and alterations and roof top mechanical units shall be submitted to the Historic District Commission and the Architectural Review Board for a combined recommendation from a joint meeting. Their guidelines for review will be the most recent Secretary of the Interior's Standards for the Treatment of Historic Properties, Standards for Rehabilitation.*

BCD/H addresses the removal of historic buildings as follows:

*If a historic building or a historic portion of a building, as described in the most recent Westport Historic Resources Inventory, is to be demolished, the property will be subject to the permitted uses, lot area, setbacks, height, coverage, floor area, architectural design, signs, parking and loading, and landscaping provisions in the Business Center District regulations and §29A-14 shall not apply.*

*If an existing addition to an historic building is not described as historically significant in the most recent Westport Historic Resources Inventory, that addition may be removed and another structure built no greater than the existing footprint, setback and height as the removed addition. The new structure will complement the historic period of the retained portion and will not alter the historic portion as stated in the most recent Secretary of the Interior's Standards for Treatment of Historic Properties, Standards for Rehabilitation.*

*Additions or infill to historic structures and new buildings on the lot must be no greater than the height and setbacks of the original historic structure. Additions must complement the historic period of the historic structure and will not alter the historic portion as stated in the most recent Secretary of the Interior's Standards for Treatment of Historic Properties, Standards for Rehabilitation.*

*The rehabilitation or restoration of structures in the BCD/H shall be exempt from the provisions of §31-9, Flood Plain Regulations, provided that:*

*(1) A determination is made by the Planning and Zoning Commission that the proposed rehabilitation or restoration will not destroy the historic character and design of the building;*

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(2) A determination that the rehabilitation or restoration will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.

### **General Business District/Saugatuck (GBD/S)**

As stated in the Zoning Regulations:

*The purpose of the General Business District Saugatuck is to encourage residential development including affordable housing in addition to the commercial, office and retail currently allowed in the General Business District in Saugatuck Center resulting in sites developed to enhance and conserve the area's aesthetic appeal and historic scale, massing and character, pedestrian access, and recreational water-related uses and views while limiting the intensity of development consistent with the Town Plan of Conservation and Development. Parcels shall be eligible for district designation if they are located in the area considered the Saugatuck Center (as defined by the Town Plan of Conservation and Development) and formerly zoned GBD.*

Saugatuck regulations provide certain relief in the interest of historic character:

*The Planning and Zoning Commission may exempt up to an additional minimal amount of coverage associated with open porches, decks, balconies and other similar open structural projections from building coverage; provided that such open structural projection will benefit public access, safety or convenience or will further the intent to preserve and/or enhance the historic character and appearance of the area, and at the discretion of the Commission at the time of Special Permit approval on sites that include at least 20% affordable housing.*

The following requirement of GBD/S is almost exactly as required for the other zoning districts with historic restrictions:

*The architectural design, scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roofline, and building elevations shall be made compatible with the historic structures in*

*the Saugatuck area by reflecting both the characteristic scale and building traditions of those historic structures so as to preserve and improve the appearance and beauty of the community. New construction or reconstruction shall adhere to the design purposes of this district. Where applicable, developments shall be designed to encourage the preservation of architectural features of historic buildings or other structures in the district. Historic buildings and structures are defined here as those registered in either the Connecticut or U.S. Registers of Historic structures or the Westport Historic Resources Inventory listed or deemed eligible for listing on the National Register of Historic Places, State Register of Historic Places, Westport Historic Resources Inventory, or are at least 50 years of age.*

### **Design Development District (DDD)**

As stated in the Zoning Regulations:

*The purpose of the Design Development District (DDD), is to allow for the compatible design of commercial, office, and industrial development...The architectural design, scale and mass of building and other structures, including, among other elements, the exterior building material, color, roof-line, and building elevation shall be of such character as to harmonize and be compatible with the neighborhood, so as to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.*

### **Historic Residential Structure:**

The Zoning Regulations have supplemental requirements pertaining to individual Historic Residential Structures in all residential zoning districts. Per the Zoning Regulations:

*The purpose of this regulation is to further the preservation, rehabilitation, restoration, reconstruction and/or adaptive re-use of historic structures containing existing special permit uses listed in Sections 11-2.1 thru 11-2.2.13, historic residential structures and associated historic accessory structures in Westport residential districts. The Planning and Zoning Commission may, by grant of a Special Permit/HRS, authorize the use, setback, height parking, landscaping and coverage incentives of this section in those*

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*circumstances where applicable zoning regulations have the practical effect of discouraging the preservation or continued use of historic buildings and historic accessory structures.*

*For the purposes of this regulation, a structure is considered historic if, as of the effective date of this regulation, it is located in Westport and meets at least one of the following criteria:*

*(a) The structure or accessory structure is:*

*(i) A property listed or eligible for listing on the National or State Register of Historic Places or is a contributing historic resource in an established or eligible National or State Historic Register District; and*

*(ii) Has been determined to be historic by the Historic District Commission ("HDC") Administrator after consultation with the Historic District Commission or its designee.*

*(b) The structure or accessory structure is a local Historic Landmark Property or a contributing resource in a local Historic District. Such Properties and Districts are listed in Chapter 63 of the Town Code.*

*(c) The structure or accessory structure is:*

*(i) Listed on the Westport Historic Resources Inventory; and*

*(ii) Has been determined to be historic by the HDC Administrator after consultation with the Historic District Commission or its designee.*

*(d) The structure or accessory structure has been determined eligible for consideration under this Section by the Historic District Commission or its designee after consideration of including but not limited to the following standards:*

*(i) The structure is fifty or more years old.*

*(ii) The property is associated with events or persons important to the history and development of the Town of Westport, State of Connecticut or the Nation.*

*(iii) The property is associated with a famous person.*

*(iv) The structure was designed by a significant architect.*

*(v) The structure is indicative of a significant architectural style or period.*

*(vi) The structure contributes contextual significance to the historic or cultural value of the property.*

With regard to alterations, additions, or demolition of a Historic Structure, all activities regulated by the HDC are similarly regulated under the Zoning Regulations, as follows:

*32-18.2.3 Scale:*

*The relationship of a structure as a whole to its neighboring structures, street and landscape. For the purposes of this regulation, neighboring structures are understood to be those located on properties within 250 feet of the subject property.*

*An application for Site Plan and Special Permit/HRS shall be submitted as required under Section 44 of the regulations. In addition to Section 44, the applicant must submit the following:*

*(a) Information sufficient to demonstrate that the structure or accessory structure meets any one of the criteria set forth in Section 32-18.2 (a) through (d) hereof.*

*(b) Any proposed plans for alteration to the historic structure or historic accessory structure or its use.*

*(c) All applications shall be accompanied by a perpetual preservation easement pursuant to Connecticut General Statutes, Section 47-42 a-c, enforceable by both the Planning and Zoning Commission and the Historic District Commission, which shall provide, among other things, for the right of the holder of the easement to do all things necessary to preserve the structural and historic integrity of the historic structure or historic accessory structure and to charge the expense thereof to the owner upon the owner's failure to keep the exterior of the structure in good repair.*

*(d) All applications shall be referred to the Historic District Commission and the Architectural Review Board for a combined recommendation from a joint meeting. Their guidelines for review will be the most recent Secretary of the Interior's Standards for the Treatment of Historic Properties, Standards for Rehabilitation.*

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### 32-18.4 Considerations

When considering a Special Permit/HRS application, the Planning and Zoning Commission shall consider and determine in each case whether:

(a) The preservation of the historic structure or historic accessory structure is in the public interest and will promote the general health and welfare of the residents of the Town.

(b) The proposal will permit the preservation and exterior historic integrity of the historic structure or historic accessory structure.

(c) The historic structure or historic accessory structure will require height, setback, coverage parking, and/or landscaping incentives, provided that the number of existing parking spaces shall not be reduced, and, in the case of historic structures containing existing special permit uses and/or historic accessory structures, use incentives to allow for its preservation, retention of its historic scale and/or its location on the property.

(d) The proposal will be contextually consistent with the architectural design, scale and massing of the subject structure as well as with its immediate surroundings. Scale is the primary consideration in determining whether a historic structure or historic accessory structure is compatible with its setting.

(e) The proposal will not adversely affect public safety.

(f) The proposal will be consistent with the current Town Plan of Conservation and Development and other Westport zoning regulations.

(g) The proposal will be consistent with the Special Permit standards in Section 44-6.

### 32-18.6 Conditions of Approval

Any Special Permit/HRS approved by the Planning and Zoning Commission under this regulation shall be consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties.

(a) A copy of this document is available at the Planning and Zoning department and online at: CT Trust for Historic Preservation.

(b) Prior to issuance of a Zoning Permit, the applicant shall grant a perpetual preservation easement pursuant to Connecticut General Statutes, Section 47-42 a-c, enforceable by both the Planning and Zoning Commission and the Historic District Commission, which shall provide, among other things, for the right of the holder of the easement to do all things necessary to preserve the structural and historic integrity of the historic structure or historic accessory structure and to charge the expense thereof to the owner upon the owner's failure to keep the exterior of the structure in good repair.

(c) Any Special Permit/HRS granted under this regulation shall prescribe the specific conditions to be observed and exterior architectural elements (See Westport Historic Districts & Properties Handbook) which are to be maintained for the subject structure.

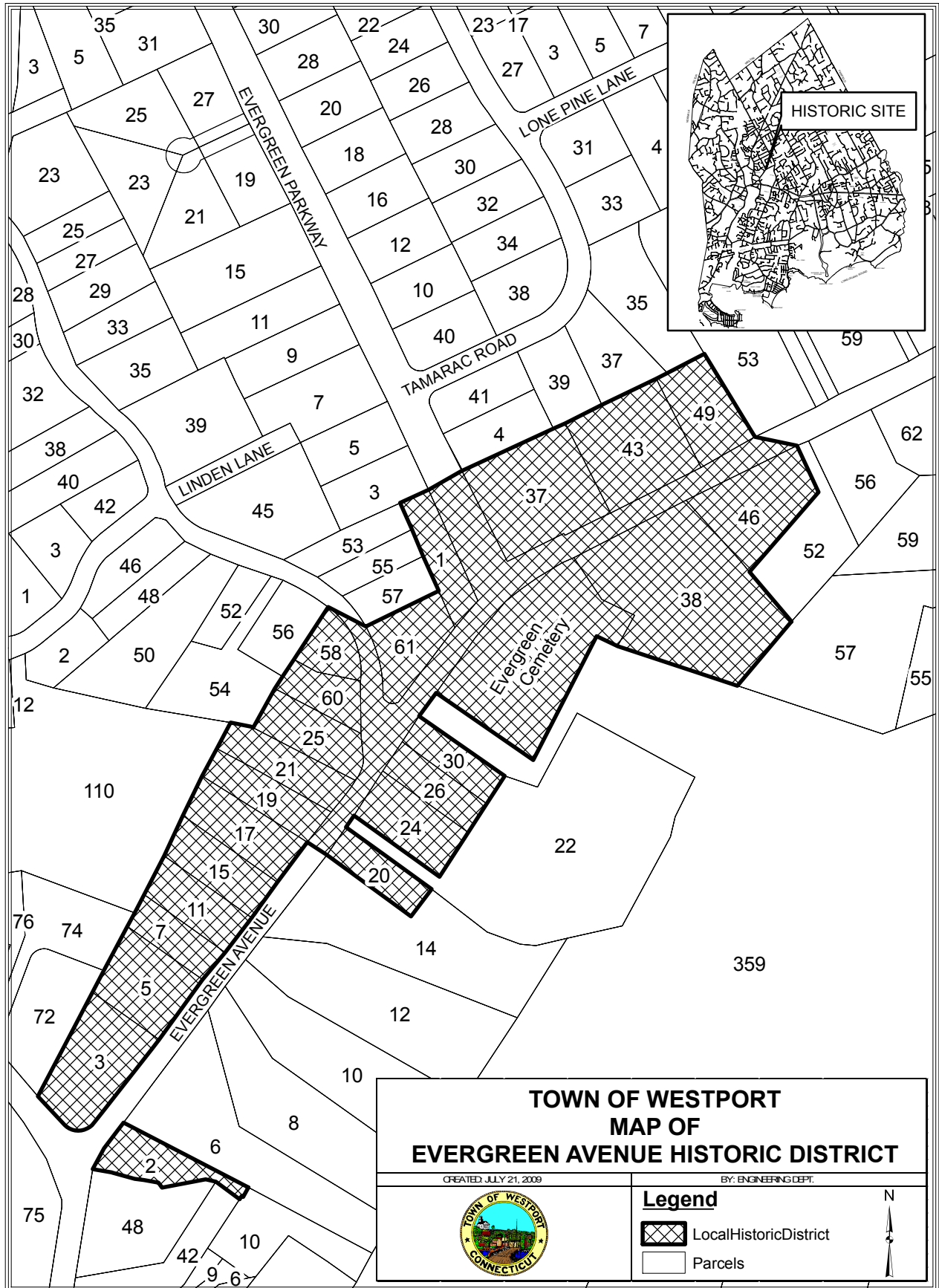
### 32-18.7 Alterations, Historic Structure:

Once a Special Permit/HRS has been granted, the historic structure or historic accessory structure shall not be altered unless such alteration is reviewed by the HDC Administrator to evaluate whether HDC review is needed and is reviewed by the Planning and Zoning Commission or their designee to determine if approval is required from the Planning & Zoning Commission.

32-18.7.1 Any significant maintenance requirements to a historic structure or historic accessory structure covered by this regulation required to preserve its structural and historic integrity shall be completed by the owner within a reasonable period or within eighteen months of notification by the Zoning Enforcement Officer.

32-18.7.2 Emergency repairs may be made by the owner as a result of fire, flooding, or other similar type of damage. The Zoning Enforcement Officer shall be notified in writing not later than 72 hours after the repair or stabilization process is initiated. A plan for permanent repair must be submitted for review to the Planning and Zoning Office. This will include review by the HDC Administrator. The subject structure must be returned to its previous exterior appearance within eighteen months.







**TOWN OF WESTPORT  
MAP OF  
EVERGREEN AVENUE HISTORIC DISTRICT**

CREATED: JULY 21, 2009

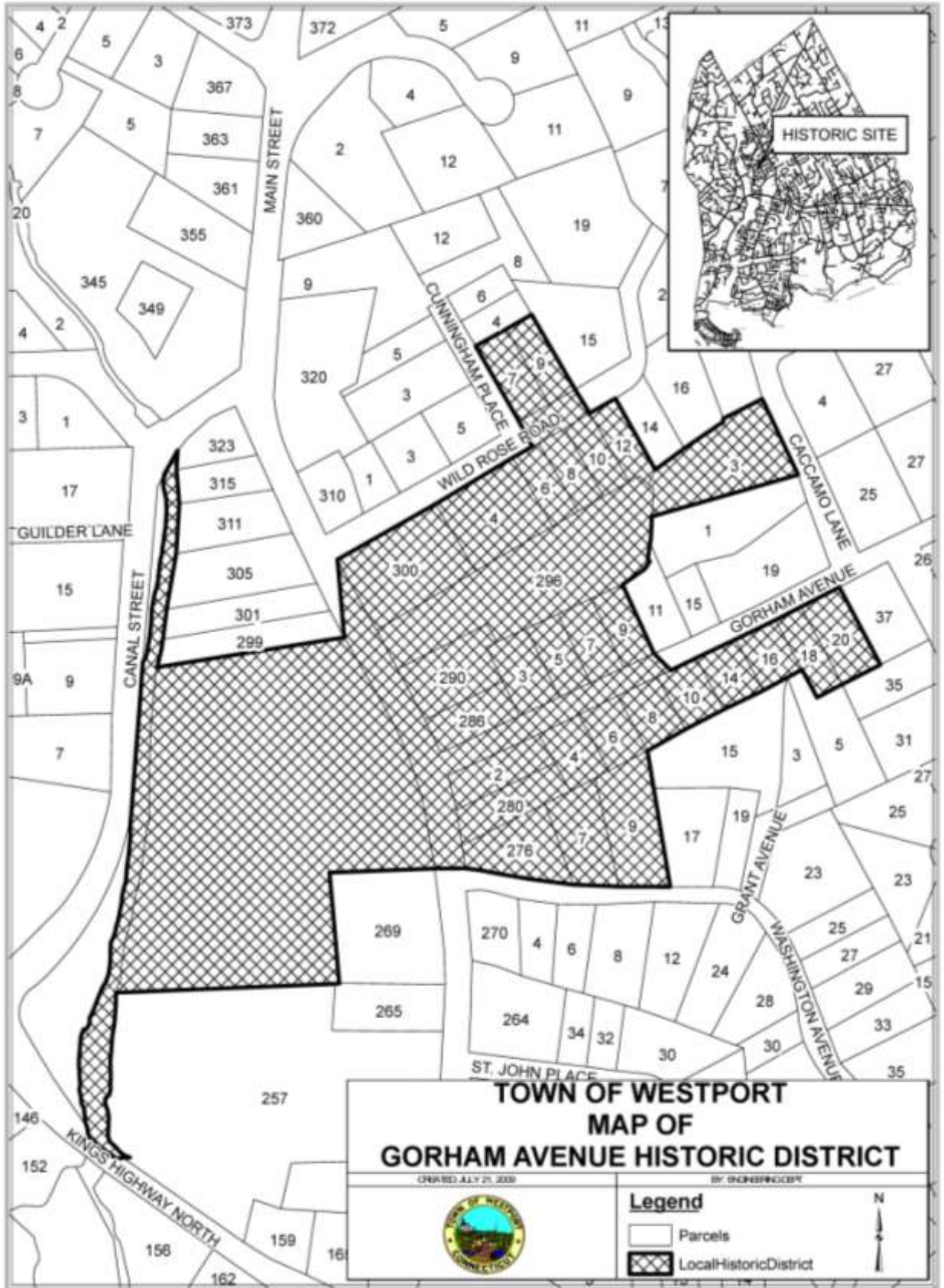
BY: ENGINEERING DEPT.



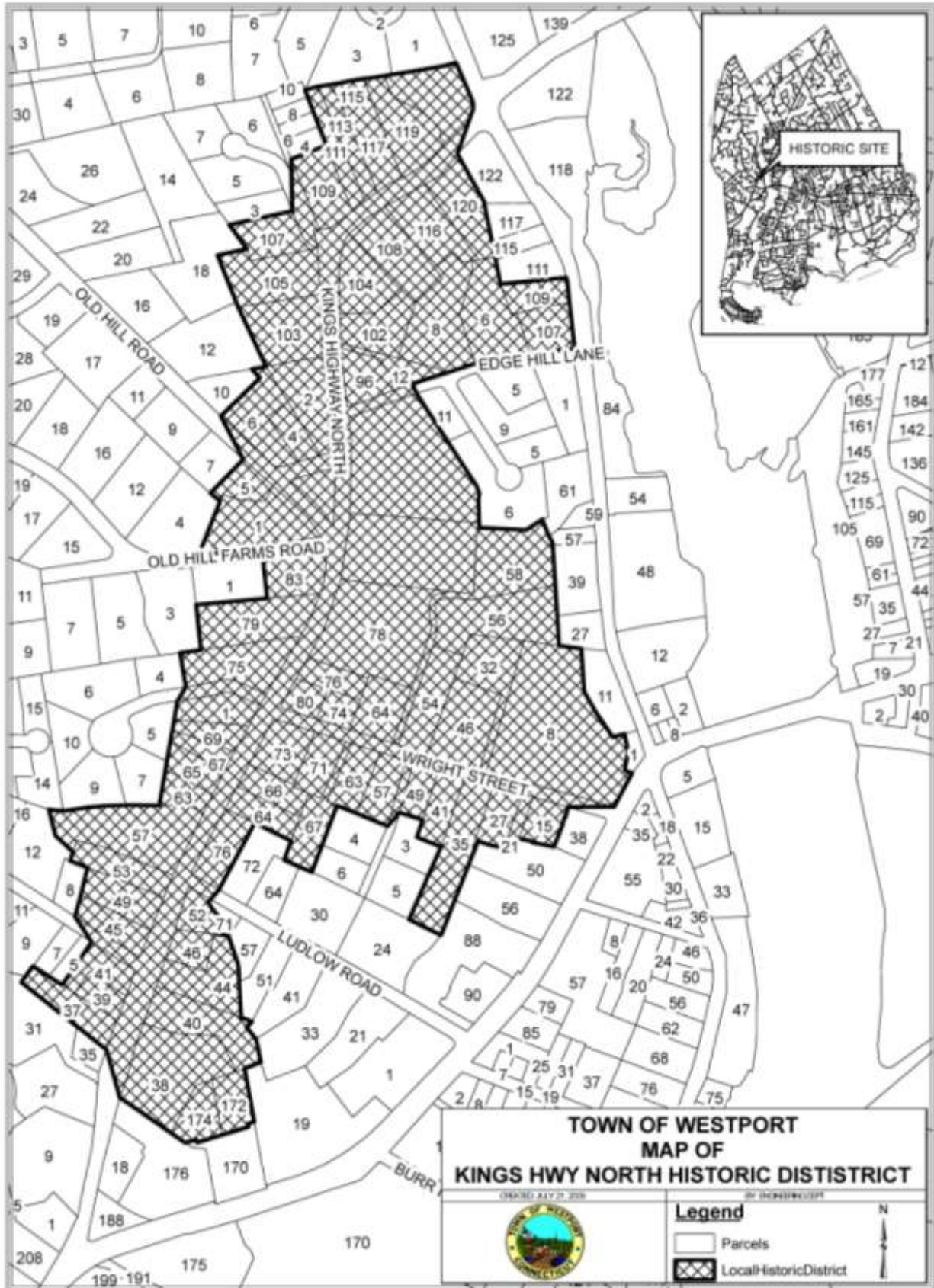
**Legend**

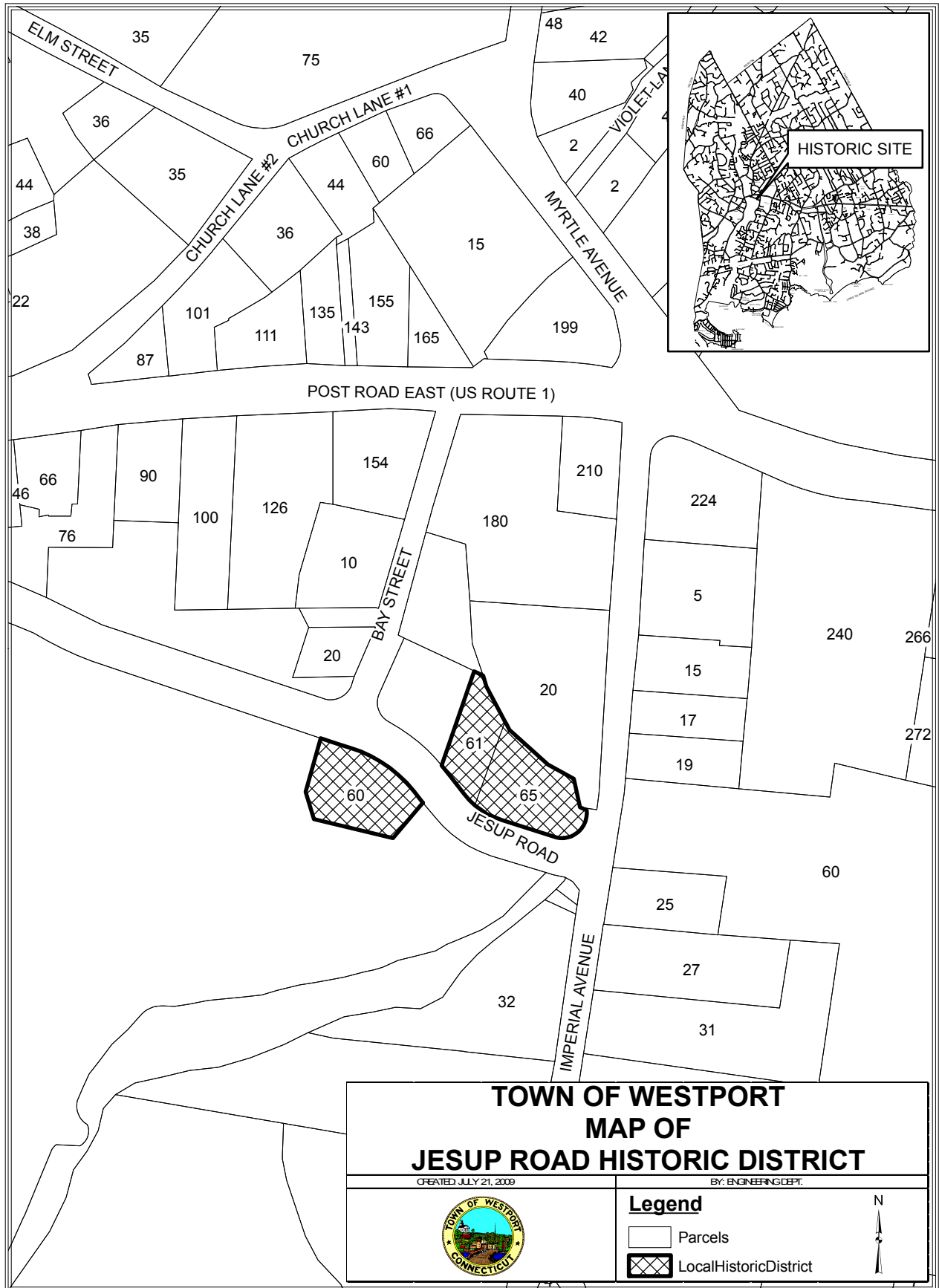
-  Local Historic District
-  Parcels





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# TOWN OF WESTPORT MAP OF JESUP ROAD HISTORIC DISTRICT

CREATED JULY 21, 2009

BY: ENGINEERING DEPT.

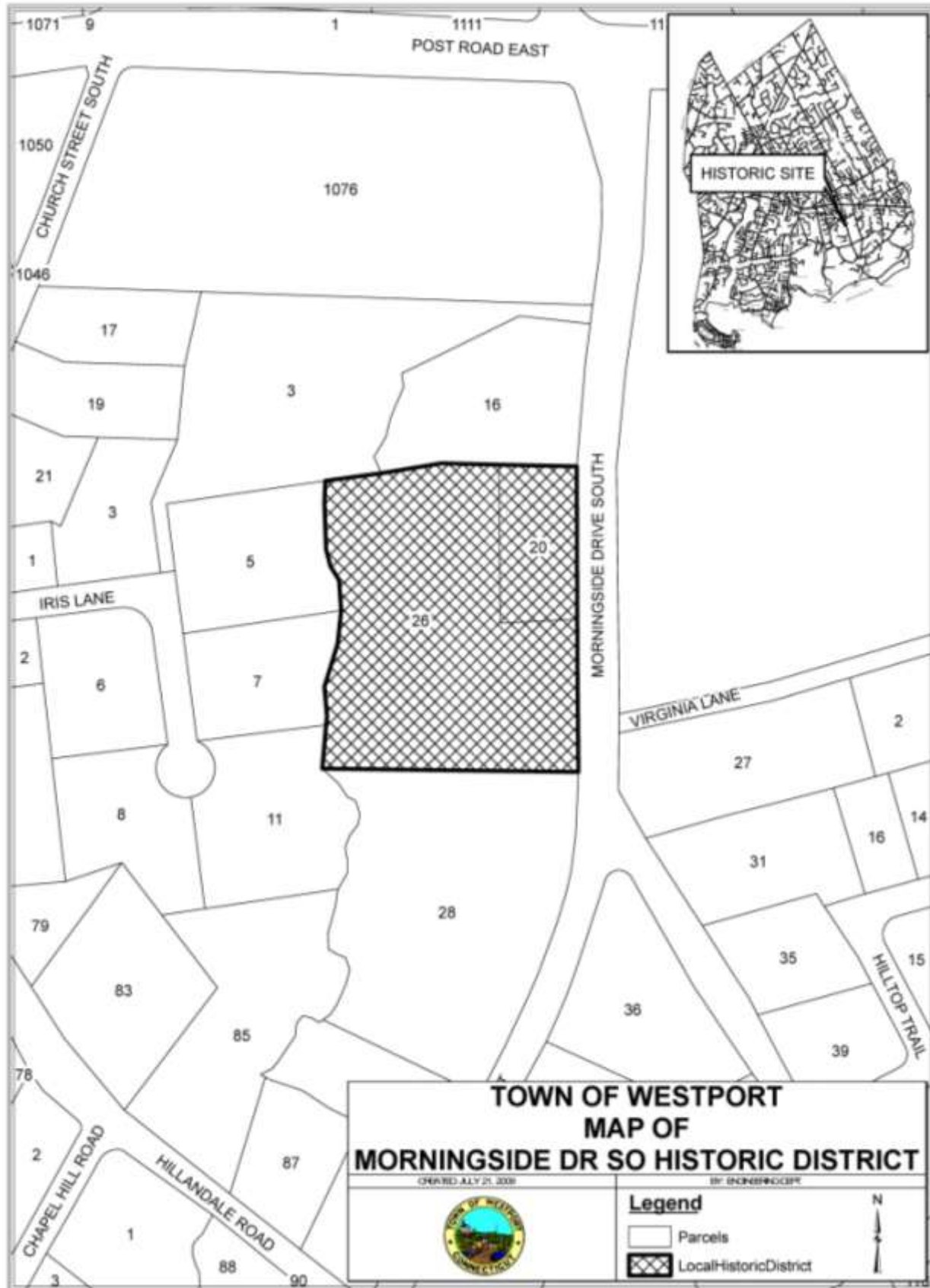


### Legend

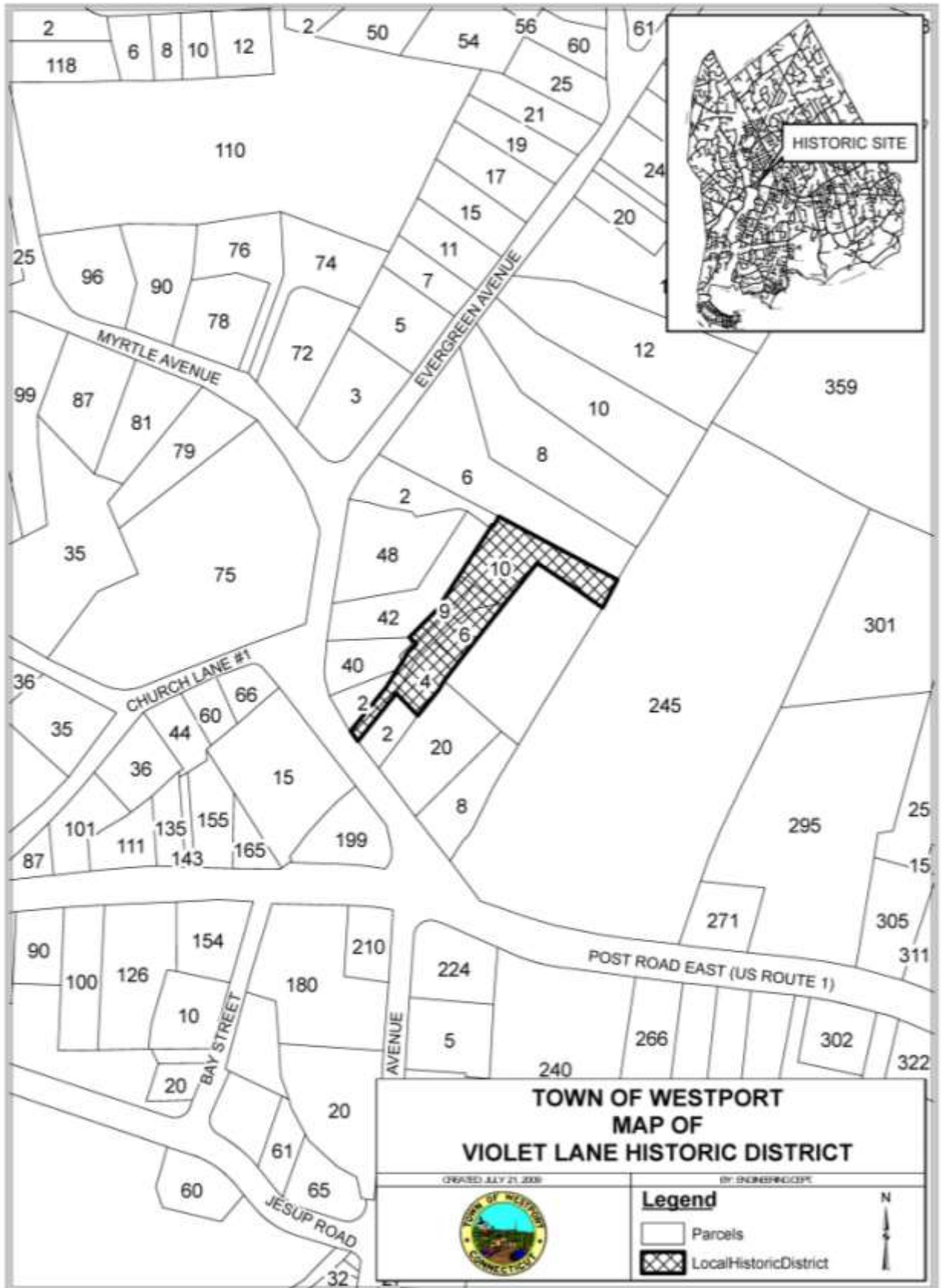
- Parcels
- Local Historic District



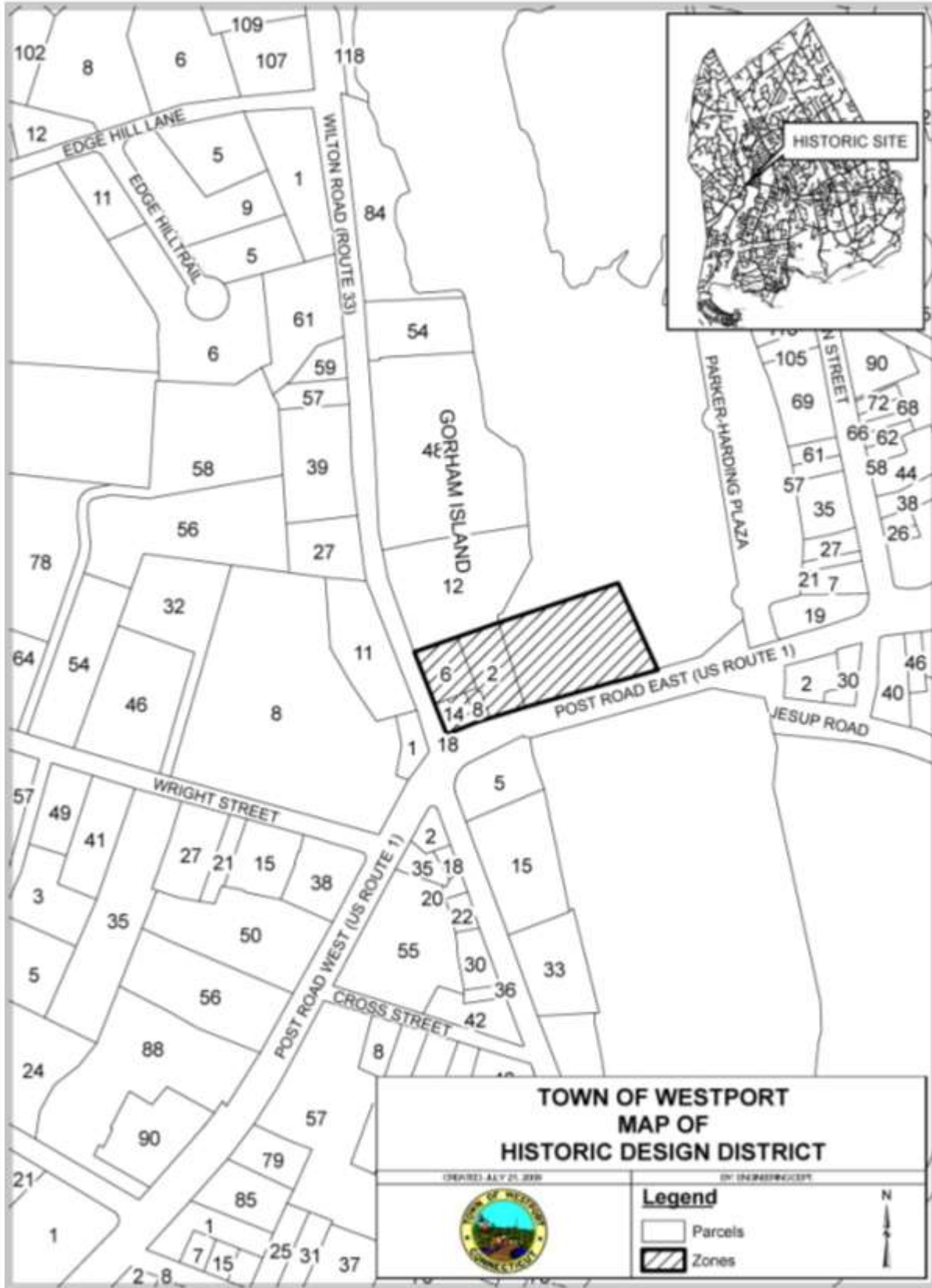
# WESTPORT CT – HDC HANDBOOK



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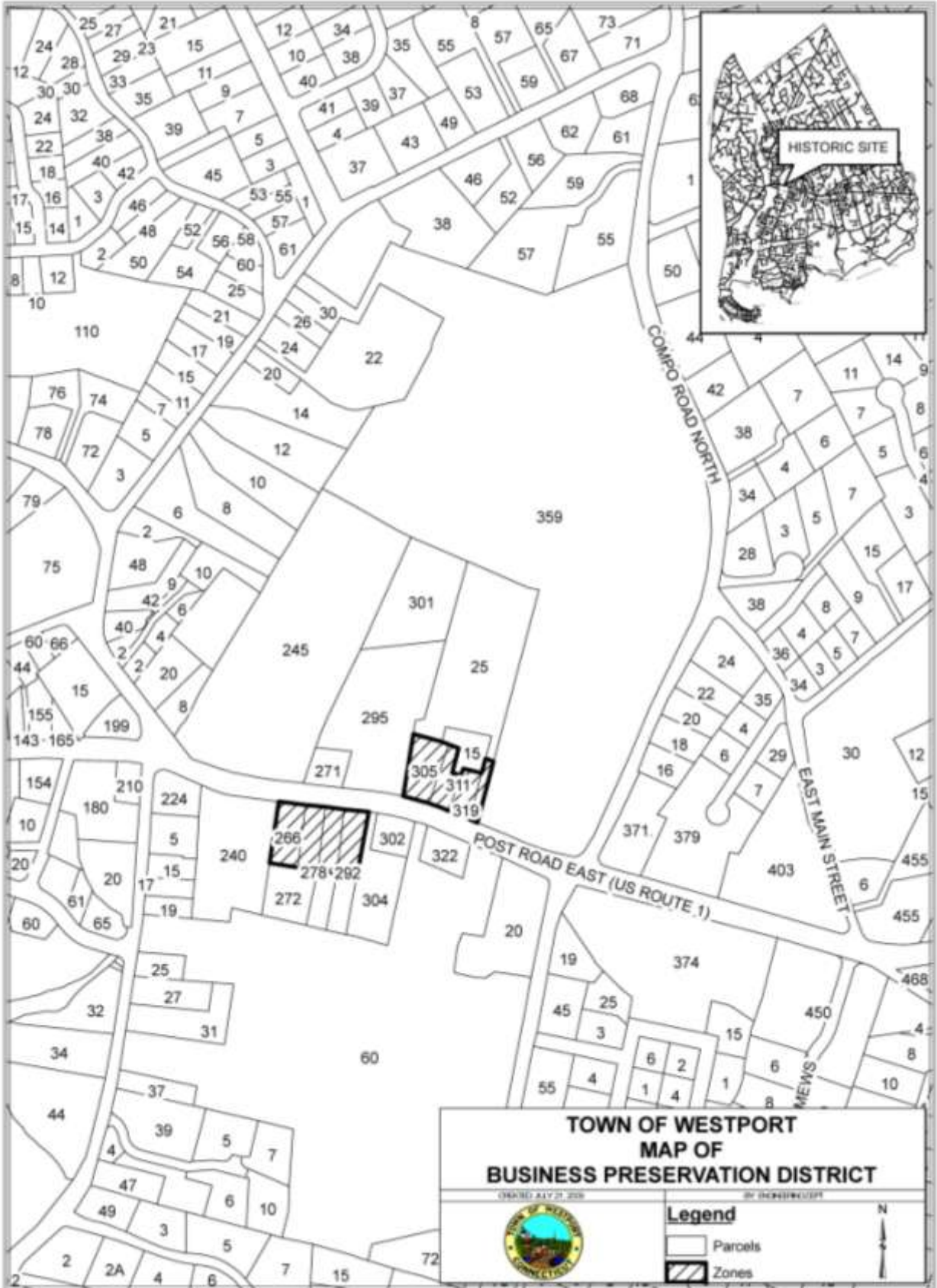




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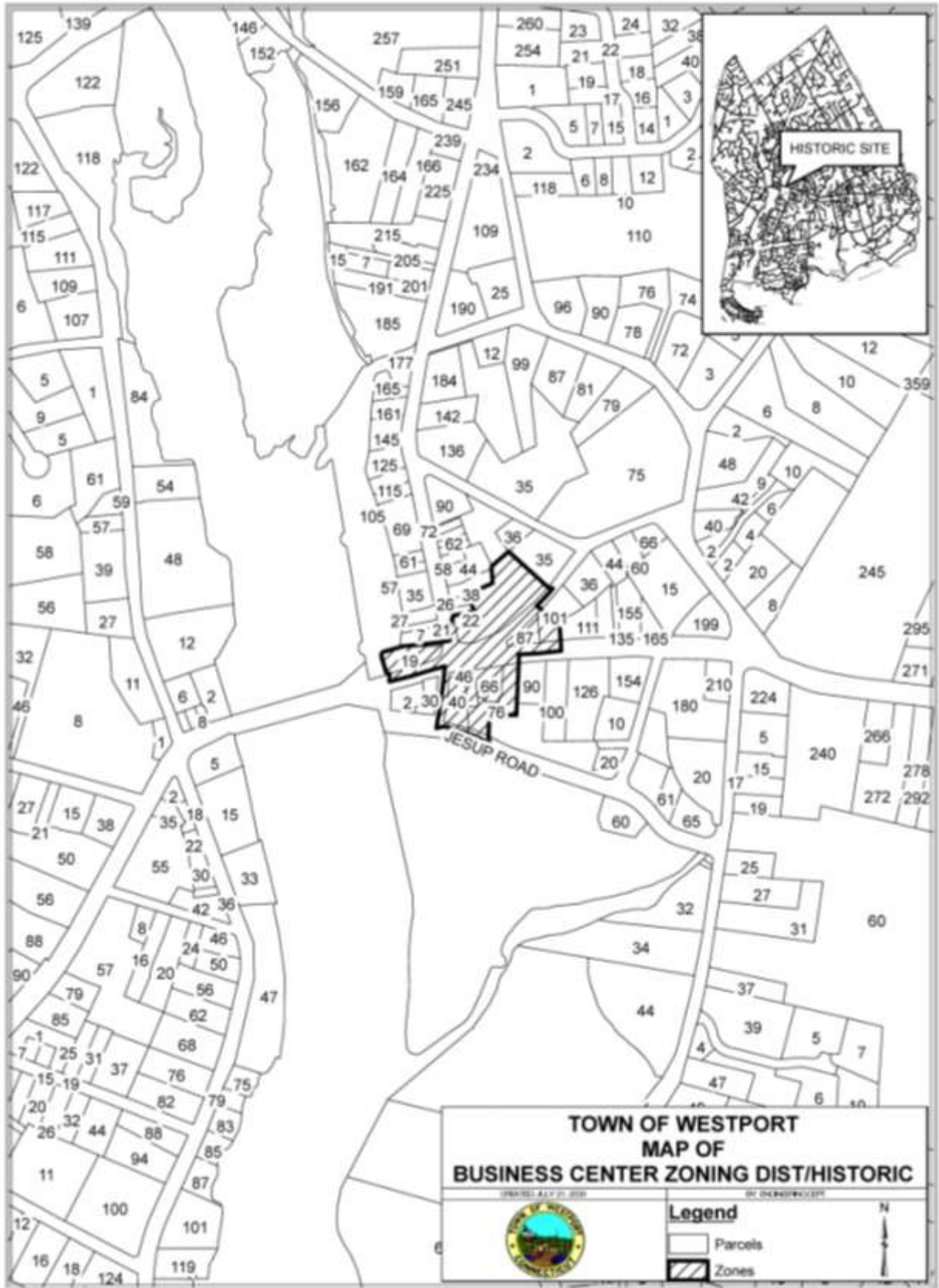
PART 4  
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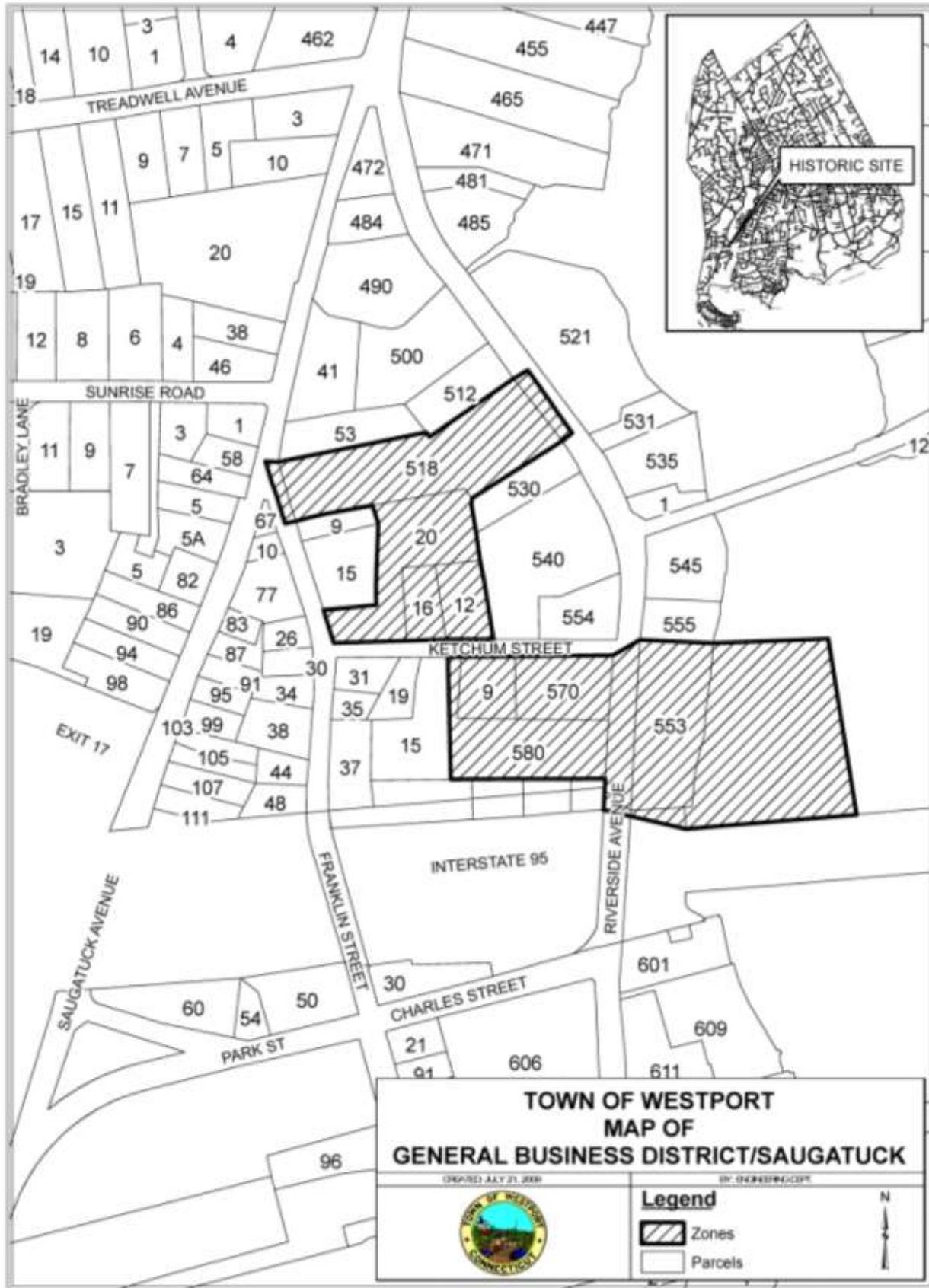
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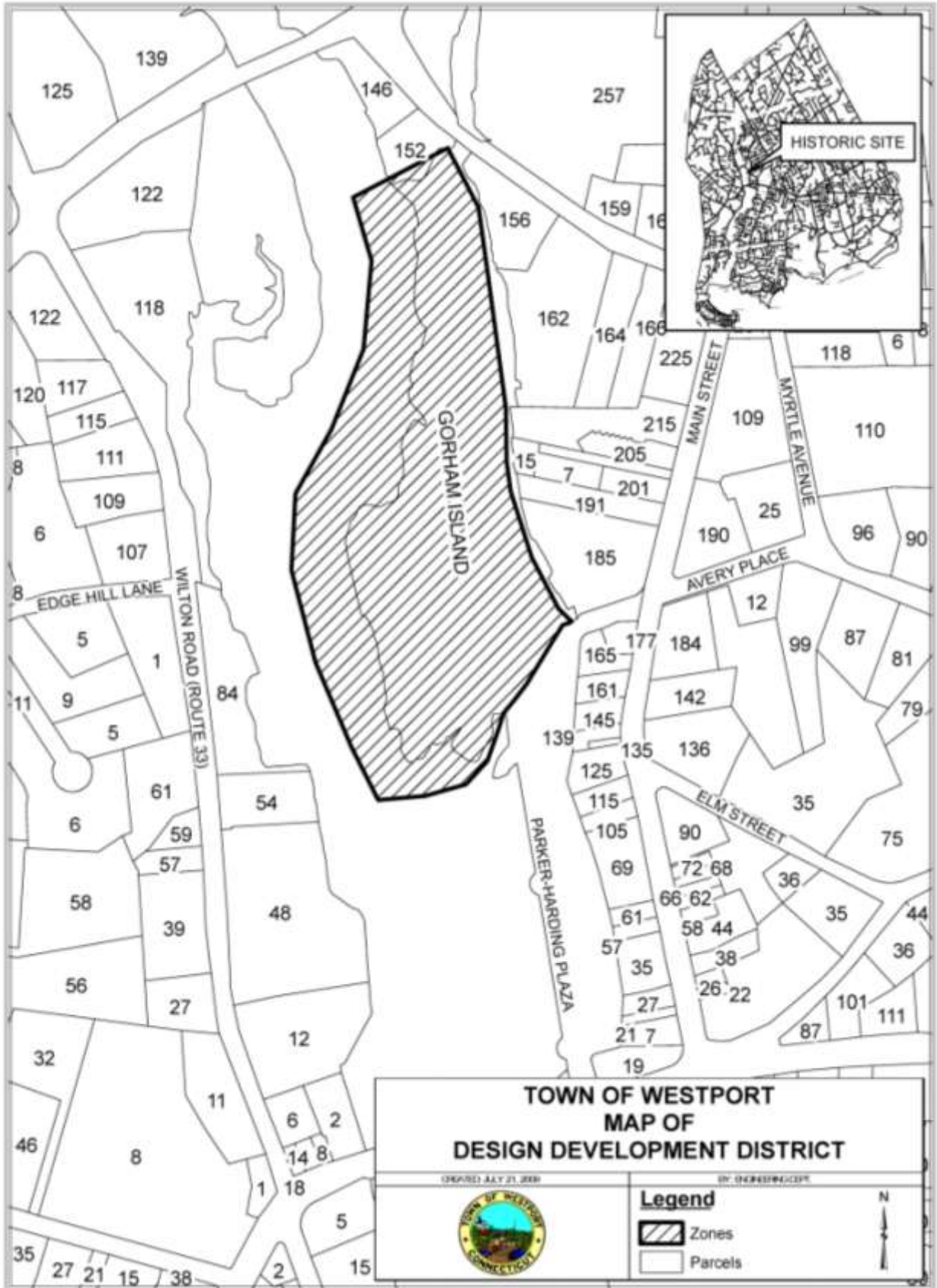
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### **Supplemental Preservation Responsibilities**

Pursuant to its mandate under Connecticut General Statutes (CGS) and designation as a National Park Service Certified Local Government (CLG), the Historic District Commission (HDC) is empowered to serve a number of functions in addition to those related to the regulation of Local Historic Properties and Local Historic Districts, and in addition to its advisory responsibilities under the *Westport Zoning Regulations*. Moreover, some of these supplemental functions are required of the HDC to preserve its own legal status. This part of the handbook discusses these supplemental responsibilities.

### **Certified Local Government**

The HDC must maintain its status as a CLG by continuing to:

- Enforce state and local regulations pertaining to the designation and protection of historic resources
- Maintain an adequate and qualified historic preservation review commission, i.e., the HDC
- Maintain an ongoing survey and inventory system for historic resources, i.e., the *Historic Resources Inventory*
- Provide for public participation in the local historic preservation program, including the process of recommending properties for the *National Register of Historic Places*
- Satisfactorily perform the responsibilities delegated to it as a CLG

### **Historic District Commission Office**

To meet the requirements of maintaining CLG designation, and to properly serve the town in its regulatory and advisory capacities as provided for under CGS, the HDC should continue to maintain an office independent of other town agencies. The town should continue to provide the necessary funding and administrative staff to support the office of the Historic District Commission.

The position of a HDC Staff Administrator and CLG Program Coordinator is an important one. It should continue to be a full time position independent of other town agencies. This staff position requires a demonstrated background in historic preservation, with a firm understanding of State and Federal historic preservation enabling legislation and ongoing

programs, and the procedures associated with public hearings. The responsibilities of the HDC Staff Administrator & CLG Program Coordinator should include at least the following:

- Monitor the Office of the HDC
- Act as liaison to the public
- Act as liaison to the State Historic Preservation Office – currently the Historic Preservation & Museum Division of the Connecticut Commission on Culture & Tourism
- Act as liaison to the offices of the First Selectman and other town departments
- Act as liaison to expert consultants engaged by the town in matters related to historic preservation
- Prepare HDC calendar, meeting agendas, minutes, resolutions, and notices
- Maintain all public records related to HDC meetings
- Process applications for *Certificates of Appropriateness*
- Monitor demolition permit applications
- Coordinate HDC advisory review of all zoning districts with historic preservation restrictions – these zoning districts are enumerated in the previous part of this handbook
- Make preliminary reports to the HDC related to specific historic properties, including as necessary filed observation of same, as may be necessary to insure compliance with HDC regulations and actions
- Apply for and administer historic preservation grants-in-aid
- Assist in preparation of HDC budget and track expenditures
- Prepare annual reports for submission to the State Historic Preservation Office
- Coordinate the preparation of Study Reports for proposed Local Historic Districts and Local Historic Properties
- Administer the Annual Preservation Awards Program
- Maintain records related to *Historic Resource Inventory (HRI)*

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- Maintain records related to public outreach materials
- Coordinate materials for HDC link at Town website, e.g., design guidelines, preservation briefs, preservation awards, maps, and links to pertinent regulatory and advisory jurisdictions
- Prepare press releases and public notices
- Provide orientation materials for new HDC members
- Maintain personal historic preservation expertise by attending seminars and conferences

### Westport Plan of Conservation & Development

The current *Town of Westport Plan of Conservation & Development (Town Plan)* includes a chapter on historic preservation. It states the following goals:

- Protect Westport's inventory of significant historical properties from destruction or architectural degradation
- Maintain preservation management consistent with the responsibilities of a Certified Local Government (CLG) and the quality and quantity of the historic resources in the Town of Westport
- Maintain the Town's historic character and qualities represented in its many significant buildings, structures, monuments, landscapes, cemeteries, public rights-of-way, districts and sites
- Maintain an up-to-date inventory of the Town's historic and architectural resources which can be employed as a meaningful reference in conservation, preservation and development planning by town boards, commissions, staff and the public

To the end of accomplishing these goals, the Town Plan makes certain recommendations. Many of these recommendations are based on recommendations and policies stated in prior editions of this handbook. The HDC has the continuing authority and responsibility to participate in the preparation of *Town Plans*, which are prepared at no more than 10-year intervals, with the next due by 2017.

### Westport Historic Resources Inventory

The HDC maintains the townwide *Historic Resources Inventory*. This is a computerized

database describing properties by name and address. The source of data is varied, with many entries coming from different survey studies. Properties enumerated on the *Inventory* are deemed historic structures for the purposes of administering applicable town, state, and federal regulations. The HDC has the continuing authority and responsibility to maintain and update the *Historic Resources Inventory*.

It is the ultimate objective that all historic resources shall be inventoried individually using the standard *State of Connecticut Historic Resources Inventory Form Buildings and Structures*.

### Town-Owned Buildings and Properties

The HDC has advisory responsibility for all town-owned buildings and properties with respect to historic preservation. The HDC continues to support the development of a comprehensive program for the preservation of Westport's public buildings, including designation as Local Historic Properties and adaptive reuse studies.

### Proposals for Historic Districts and Properties

Prior editions of this handbook have made recommendations for potential additional Historic Districts and Historic Properties. In 2008, the HDC published its *Recommendations Report for Potential Historic Districts*, which enumerated over a hundred potential districts, many comprised of just a few individual properties. See that report for a complete listing.

The HDC has the continuing authority and responsibility to recommend additions to and new Local Historic Districts and Local Historic Properties. The HDC also has the authority to recommend nominations to the *National Register of Historic Places* (see Appendices) for both districts and individual properties, especially where adoption of a Local Historic District or Local Historic Property proves impractical or untimely.

Following is a list of major neighborhood areas deemed eligible by the HDC for designation as Local Historic Districts:

- Bankside
- Beachside:
  - Burying Hill Beach
  - Frost Point

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**SUPPLEMENTAL PRESERVATION RESPONSIBILITIES**

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- Beachside Avenue
- Maple Lane South
- Sasco Creek Road
- Green's Farms Railroad Station
- Charcoal Hill
- Coleytown:
  - Coleytown Road/North Avenue vicinity
- Compo Road South:
  - Post Road to Longshore
- Cross Highway/North Avenue
- Green's Farms:
  - Center Street South
  - Clapboard Hill Road
  - Green's Farms Road
  - Green's Farms School
  - Maple Avenue South
  - Morningside Drive South
  - Turkey Hill Road South
- Long Lots:
  - Adams Academy
  - Long Lots Road
- Old Mill Beach/Mill Pond:
  - At Hillspoint Road
- Prospect Road/Hillandale Road West
- Richmondville
- Riverside/West Bank:
  - Lincoln Street/Burr Road vicinity
  - Riverside Avenue
  - Sylvan Road South
  - Kings Highway Elementary School
  - Saugatuck Elementary School
- Saugatuck:
  - Bridge Street/Imperial Avenue vicinity
  - Riverside Avenue/Saugatuck Avenue vicinity
  - Saugatuck Railroad Station
  - Saugatuck bridges
- Westport Center:
  - Post Road/Church Street/Jesup Road vicinity
  - Main Street
  - Town Hall
  - Myrtle Avenue/Main Street North/Canal Street/Evergreen Avenue/Washington Avenue vicinity

In addition to the above potential Local Historic districts, there are a number of individual properties that are deemed by the HDC to warrant protection as

Local Historic Properties. See the Appendices for what constitutes eligibility for the National Register of Historic Places as a guideline. Generally, properties that fall within the following thematic categories are considered eligible:

- Native American sites
- Pre-Revolutionary War homesteads
- Revolutionary War sites related to British invasions (in conjunction with Towns of Fairfield, Danbury, etc.)
- Farmlands and farm buildings
- Factories and mills
- Maritime structures
- Summer and country estates
- Public buildings
- Colonial Revival remodels of earlier houses
- Post-bellum architecture of housewright George Fairchild and developer Platt Bennett
- Tudor and Colonial Revival suburban architecture of architect Charles Cutler
- Suburban architecture of housewright Frazier Peters (1920s and 1930s)
- Early twentieth century roadway improvements, such as cobblestone bridges and culverts
- Fairfield County Hunt Club equestrian trails
- Sites associated with the Westport arts community
- Modern architecture
- Mid-twentieth century residences by Victor Civkin Architect
- Suburban development

It is the HDC recommendation that Historic Design District zoning designation should be made by the Planning and Zoning Commission for the following areas:

- Saugatuck
- Riverside Avenue/West Bank
- Post Road/Church Street/Jesup Road vicinity (Westport Center)
- Myrtle Avenue (Westport Center)

### **Archaeological Resources**

The Connecticut Office of State Archaeology (OSA), working with the State Historic Preservation Office, has the leadership in developing a comprehensive site inventory and management plan for archaeological resources. Such archaeological resources include both underground and undersea resources. Archaeological resources are not limited to Native

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American artifacts, but can include artifacts and foundations from colonial development sites, mill ruins, mill ponds, and shipwrecks.

Archaeological resources are protected by law. CGS Section 10-386 requires permits for archaeological investigations on State lands and in State waters. Moreover, archaeological resources discovered during the course of construction on both public and private lands must be reported under the requirements of the HDC and the Zoning regulations.

The HDC has regulatory responsibility for the protection of all archaeological resources within Local Historic Districts or on Local Historic Properties, and advisory responsibility for any such resources that may be located elsewhere in town. It is the HDC policy that all archaeological resources, upon discovery, be evaluated by the Connecticut Office of State Archaeology (see Appendices for contact information), with all recommendations by that office as to their preservation becoming binding.

Finally, the HDC may advocate for the establishment of State Archaeological Preserves. Per CGS Chapter 184a, designation as an Archaeological Preserve provides protection from unauthorized excavation or disturbances. An ongoing archaeological resource management plan for the care and use of designated sites must be approved by both the State Historic Preservation Office and the Office of State Archaeology. A state permit must be issued prior to any activity that might disturb a State Archaeological Preserve.

### Historic Farmlands

Agriculture played a significant role in Westport's history, and farmland preservation is an objective of the HDC. The HDC encourages participation in the farm preservation programs developed by the Connecticut Department of Agriculture, such as the state Farmland Preservation Program, Agriculture Viability Grants, Public Act 490 (use-value taxation), the Agricultural Experiment Stations, and Connecticut Grown. For more information, see *Conservation Options for Connecticut Landowners: A Guide for Landowners, Land Trusts & Municipalities*, as published by the Department of Agriculture in conjunction with the American Farmland Trust.

The following is quoted from the Connecticut Farmland Preservation Program:

*One of Connecticut's greatest resources is its farmland. This farmland is also the heart of one of the State's most vital businesses, agriculture. The Department of Agriculture preserves farmland by acquiring development rights to agricultural properties. The farms remain in private ownership and continue to pay local property taxes. A permanent restriction on nonagricultural uses is placed on these properties. Nationally, farmland preservation has been recognized in the federal Farm Bill and Connecticut's Farmland Preservation has qualified for participation in the federal Farmland Protection Program.*

The HDC supports adoption of a town farmland conservation program, and cites *Planning for Agriculture: A Guide for Connecticut Municipalities*, as published by the American Farmland Trust in conjunction with the Connecticut Conference of Municipalities, as a reference for developing such a town farmland conservation plan.

### Historic Cemeteries

Historic cemeteries are protected under CGS Section 19a - 315a-c. As the State Historic Preservation Office, the Historic Preservation & Museum Division of the Connecticut Commission on Culture & Tourism is the mandated review authority, in partnership with lineal descendants, regarding all improvements within historic cemeteries and burial grounds.

The HDC supports cemetery preservation with its historic resource survey efforts. It is the objective of the HDC to promote a comprehensive program for the restoration, preservation, and ongoing maintenance of cemeteries and burial grounds.

### Historic Landscape

The HDC has advisory responsibility for historic landscapes, including open spaces, woodlands, farmlands, and waterfront areas, with respect to historic preservation. The HDC continues to support the development of a comprehensive program for the preservation of Westport's historic landscape and waterways, including:

- Gateway areas
- Woodlands
- Agricultural lands
- Rural roadways

- Saugatuck River
- Compo Cove/Compo Beach
- Long Island Sound shoreline
- Merritt Parkway and bridges

### **Scenic Roads**

Country roadways are part of the historic context of the Town of Westport and fall within the advisory purview of the HDC. The HDC has identified the following as eligible for status as a designated Scenic Road:

- Beachside Avenue
- Cavalry Road
- Coleytown Road
- Green's Farms Road
- Long Lots Road
- Red Coat Road

### **Streetscape Improvements**

It is the HDC objective to develop standards for townwide streetscape and other infrastructure improvements that are consistent with the HDC Design Guidelines, for implementation by the Department of Public Works. These standards should recognize the unique characteristics of different neighborhoods, and of town and country. Standards should be developed for at least the following:

- Paving
- Curbs
- Sidewalks
- Crosswalks
- Street signs
- Traffic signals
- Street lights
- Street trees
- Landscaping
- Topography
- Stone walls
- Guardrails
- Bridges

### **State Building and Life Safety Codes**

Both the *State Building Code* and the *State Life Safety Code* make special provisions for designated historic structures. Listing on the *Westport Historic Resources Inventory*, as maintained by the HDC, typically provides adequate designation as a historic structure for the application of the special provisions of the *Building Code* and *Life Safety Code*. However, the HDC has no direct jurisdictional authority over

either of these codes.

### **Historic Rehabilitation Tax Credits**

Historic tax credits are available from both the federal and state governments for certain historic preservation projects. These tax incentive programs are outside the jurisdiction of the HDC, but the design guidelines under such incentive programs are comparable to those of the HDC. Both state and federal tax incentive programs are administered by the Historic Preservation & Museum Division of the Connecticut Commission on Culture & Tourism.

The HDC also supports the concept of property tax abatement at the municipal level, pursuant to CGS Section 12-65c et seq., to encourage neighborhood preservation and rehabilitation. Under these statutes, a municipality may waive up to 100% of property tax for the first year, with that abatement decreasing 10% per year thereafter, for projects involving multifamily housing.

### **Public Outreach**

A key responsibility of the HDC under its role as a CLG is public outreach. The HDC advocates such programs, policies and resources as:

- Historic Preservation Awards
- Preservation Technology Reference Center
- Informal consultation and advice
- Publication of the *HDC Handbook*

Public assistance on matters related to restoration and preservation should be facilitated by coordinating efforts of the Westport Historic District Commission, the State Historic Preservation Office, and other public agencies, with the Westport Historical Society and other local preservation and conservation groups. Public and private organizations related to historic preservation are listed in the appendices of this handbook.

The HDC supports a townwide system of signage and plaques to recognize the town's historic properties, districts, and landscape. Local Historic District and Local Historic Property signs should be provided by the Town. Other historic properties, including those that contribute to a Historic District, should be coordinated with the Westport Historical Society.

### **Annual Preservation Awards of Merit**

The Westport HDC manages the Annual Preservation Awards of Merit Program. This Program recognizes

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significant accomplishments in the field of historic preservation throughout the Town of Westport. Nominations for awards are made directly to the Office of the HDC, with the HDC acting as jury.

Eligible properties include:

- Local Historic Properties
- National Register Properties
- Properties within a Local Historic District
- Properties within a National Register Historic District
- Properties listed on the Town Historic Resources Inventory
- Streetscape components within the historic context

In addition, any structure that is fifty years or more old may be nominated if one or more of the following apply:

- Designed by significant architect
- Indicative of a significant architectural style or period
- Associated with a historic event
- Associated with a famous individual
- Associated with events or persons important to the development of the Town

Awards are awarded for any or all of the following categories:

- Helen Muller Preservation and Conservation Award for an individual or group who has made a significant contribution to the maintenance, preservation and conservation of the Kings Highway Historic District – this award is in honor of one of Westport's most prominent preservation advocates
- Preservation of a historic building or structure
- Rehabilitation of a historic building or structure
- Restoration of a historic building or structure
- Reconstruction of a historic building or structure
- Adaptive reuse of a historic building or structure
- Excellence in ongoing care and maintenance of a historic building or structure
- Sensitive/appropriate additions to a historic building or structure
- Appropriate new infill construction in a Local Historic District or National Register District
- Appropriate infill construction not in a Local Historic District or National Register District

## APPLICATION PROCEDURES FOR CERTIFICATE OF APPROPRIATENESS

**What is Regulated?**

No building or structure shall be erected, added to, moved or demolished, nor shall any exterior architectural feature of any building or structure be altered, within any of the town's adopted local historic districts or local historic properties, without first obtaining a *Certificate of Appropriateness* from the Town of Westport Historic District Commission (HDC), except as specifically exempted below.

The Building Official will require a *Certificate of Appropriateness* approved by the HDC before issuing a building permit for any construction activity in any of the town's Local Historic Districts, unless the HDC certifies in writing that a proposed construction activity is not regulated under the town's Historic District Ordinance. A *Certificate of Appropriateness* may be required whether or not a building or zoning permit also is required. Failure to comply with Historic District regulations may make a property owner and his or her agents liable for both fines and related legal expenses, and any unauthorized and inappropriate construction work can result in a court injunction requiring the removal or rectification of the same as approved by the HDC.

Maps of the town's regulated local historic districts and an inventory of regulated properties are available for review at the Office of the HDC. Note that all buildings and structures located within a local historic district, including those without individual historic or architectural significance, are regulated.

Because a construction activity is regulated does not mean that it necessarily is prohibited – the appropriateness or inappropriateness of all regulated activities will be reviewed and decided upon by the HDC during the application and review process described in this part of the handbook. The following table lists activities typical of those regulated under Westport's HDC regulations. However, this list should not be construed to be a complete itemization of all activities that may be regulated by the HDC. When in doubt as to the necessity for application, questions should be directed to the HDC Staff Administrator.

An application for *Certificate of Appropriateness* is required for all proposed work, whether or not visible from a public way. The HDC will approve all proposed work that is not visible from a public way. However, it is the HDC that must make the determination as to whether any proposed work is

visible from a public way. For an explanation of what constitutes a public way, see "Visibility from Public Way" in Part 3 of this handbook.

**List of Regulated Activities**

Any new construction, demolition or removal of, or addition or alteration to, the following is regulated by the HDC with respect to all Local Historic Districts and Local Historic Properties:

- All principal buildings
- Outbuildings, e.g.:
  - Garages
  - Sheds
  - Barns
  - Greenhouses
  - Gazebos
- Architectural elements, e.g.:
  - Doors and entranceways
  - Porches
  - Window frames, sash, and muntins
  - Storm doors and windows
  - Shutters
  - Architectural trim and ornament
  - Removal/replacement of siding
  - Removal/replacement of roofing
  - Substantial paint removal to bare surface
  - Exposed foundations
  - Chimneys
  - Dormers
  - Skylights
  - Sunrooms
  - Awnings
  - Exterior lighting fixtures
  - Replacement/ removal of gutters
  - Masonry repair and repointing
  - Fixed exterior air conditioning units
- Site fixtures and structures, e.g.:
  - Driveways
  - Parking areas
  - Walkways
  - Decks
  - Fences and masonry walls
  - Retaining walls
  - Trellises, pergolas, and arbors
  - Exterior lighting fixtures
  - Above-ground swimming pools
  - Dumpster enclosures
  - Above-ground storage tanks
  - Fixed playground equipment



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- Signs, e.g.:
  - Commercial
  - Multi-family residential
  - Street and traffic signs
- Parking areas, e.g.:
  - Size
  - Location
  - Visibility of cars
  - Paving materials
  - Lighting
- Public right-of-way, e.g.:
  - Paving materials
  - Side walks
  - Curbs
  - Retaining walls
  - Guard rails
  - Street lights
  - Utility poles
  - Street and traffic signs
  - Street trees and grates
  - Anchored sidewalk fixtures and furniture
  - Permanent statuary and monuments
  - Free-standing flagpoles
  - Designated scenic roads
- Waterfront structures, e.g.:
  - Wharves
  - Docks
  - Boardwalks
  - Dams
  - Bridges
  - Sea walls and river bulkheads
- Miscellaneous, e.g.:
  - Solar panels
  - Wind powered energy devices
  - Replacement of historic gutters
  - Exterior air conditioning units
  - Exhaust vents
  - Commercial freezers/coolers
  - Satellite dishes and antennae
  - Temporary structures (e.g., tents) in place more than 30 days
  - Removable vending machines
- Interior alterations and use
- Routine maintenance and repair that does not reconfigure or remove existing features, but excluding repointing of masonry
- Paint removal that does not damage the structural surface
- Painting and paint color
- Landscape planting
- Temporary signs, e.g.:
  - Real estate sales signs
  - Construction signs
  - Tag sale signs
  - Political signs
- Temporary fixtures and structures, e.g.:
  - Tent structures in place less than 30 days
  - Construction dumpsters
  - Construction trailers
  - Construction toilets
  - Construction security fencing
  - Construction scaffolding
  - Temporary construction utilities
  - Event banners
- Miscellaneous, e.g.:
  - Boats
  - US Postal Service approved mail boxes
  - Flag staffs attached to building facades
  - Free-standing flag poles
  - Residential patios and terraces on grade
  - In-ground swimming pools
  - Movable playground equipment
  - Movable site furniture for any use
  - Incidental through-roof plumbing vents

### Pre-Application Meeting

The Pre-Application Meeting is an informal session held by the HDC with an Applicant, prior to submission of a formal application. The Pre-Application Meeting is a workshop and not a public hearing. It is the primary goal of the Pre-Application Meeting to engage in dialogue and to gauge the HDC's stance on appropriateness. If the Applicant has already engaged the services of an architect and/or contractor, they are encouraged to attend as well. This preliminary review process is held prior to the submission of any formal application materials, though the Applicant is asked to bring any available materials and samples which might be pertinent. The

### List of Non-Regulated Activities

The following activities and related construction items are allowed by right and do NOT require application to the Historic District Commission for Certificate of Appropriateness:

## APPLICATION PROCEDURES FOR CERTIFICATE OF APPROPRIATENESS

Pre-Application Meeting does NOT begin the statutorily defined 65-day time period for consideration of an application, as no application is submitted at this stage. It is also suggested that, before requesting a Pre-Application Meeting, the Applicant review both the application procedures and design guidelines outlined in this handbook.

The Pre-Application Meeting is entirely optional but it is encouraged by the HDC as a means to expedite the ultimate application review process for both the Applicant and the HDC. Pre-Application Meetings are held during the HDC's regularly scheduled monthly meetings, though in exceptional instances a special meeting may be scheduled. A Pre-Application Meeting should be scheduled in advance through the office of the HDC. Note that the HDC can make no final decisions during this pre-application review process.

The Pre-Application Meeting may include the following:

- Discussion of proposed scope of work
- Review of preliminary plans, specifications, and/or photos, if available
- Determination if Certificate of Appropriateness is required
- Clarification of application procedures
- Identification of additional materials necessary for submittal
- Advice on matters of appropriate design
- Suggestion of resources for consultation by Applicant

### Application Form

All proposed construction activities which are regulated under the Town of Westport Historic District Ordinance must be submitted for review to the Town of Westport Historic District Commission (HDC). An application for *Certificate of Appropriateness* may be obtained at the Office of the HDC.

The HDC suggests that the Applicant request a Pre-Application Meeting in advance of submitting a formal application as discussed in the preceding section of this handbook. However, this Pre-Application Meeting is at the option of the Applicant.

A sample application form follows in this section of the handbook. In addition to the completed application, supporting materials must be submitted

that delineate the proposed construction activity in sufficient detail for the HDC to render a decision as to appropriateness. At a minimum, the supporting materials listed in the following table are required with submission of a completed application. The HDC reserves the right to request any additional or waive any required information that it deems necessary or unnecessary to make a determination as to appropriateness.

The application shall be deemed officially received upon receipt by the office of the HDC, and the HDC shall schedule a public hearing and render a decision as to appropriateness no later than 65 days after such official receipt. The Applicant may withdraw an application without prejudice prior to decision.

Note that historic properties may be allowed special exceptions from building, life safety, and zoning codes, as well as from the American Disabilities Act. However, all such waivers or modifications must be directed to the Building Official, Zoning Official, or Fire Marshal as appropriate.

### Supporting Submission Materials

As applicable, the following materials shall be submitted with the initial application for *Certificate of Appropriateness*. The HDC may waive the requirements for any of these materials if deemed not applicable.

- Photographs showing nearby structures and the spatial relationship of these structures with the immediate neighborhood – in village areas, photographs should be arranged to show adjacent street frontage for a minimum of two successive properties in each direction
- Photographs showing all facades of structures on subject property that are visible from a public way
- Historic photos of the subject property and environs if available
- Vicinity plan @ 1"=100' minimum scale, showing a minimum of two successive properties in all pertinent directions from subject site, and all related street and topographic features – this vicinity plan may be in sketch form, but shall adequately delineate the general scale and relationships of nearby buildings (GIS vicinity maps are available at Town Hall)
- Sketch site plan of subject property showing

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proposed location and relationship to adjacent structures, @ 1" = 20' minimum scale

- Detailed site plan showing new construction, all new proposed site improvements, and the relationship of the same to adjacent properties that are visible from a public way, @ 1" = 20' minimum scale
- Architectural drawings of all proposed building facades and relevant site features that are visible from a public way, @ 1/8" = 1' minimum scale
- Architectural floor plans showing all new, added, and/or altered exterior architectural elements, @ 1/8" = 1' minimum scale
- Details of architectural and site features that are visible from a public way, @ 1" = 1' minimum scale
- Copies of product literature with photographs or drawings of any proposed prefabricated fixture or structure
- Written statement of the proposed condition and appearance of the subject property after demolition or removal – where demolition is proposed, statement shall explain practical difficulty which precludes preservation, and shall demonstrate why there is no prudent alternative to demolition
- Scale drawings and plans of existing subject property, if deemed architecturally significant by the HDC, @ 1/8" = 1' minimum scale, if demolition is proposed

### Public Hearings

Connecticut State Statutes (CGS) require Public Hearings for all applications for *Certificate of Appropriateness*. The HDC is required to hold a Public Hearing and make a decision on an application within 65 days of the official receipt of application. The official date of receipt shall be recorded upon submission to the Office of the HDC.

The HDC must advertise all scheduled Public Hearings in a newspaper having substantial local circulation at least once not more than 15 and not less than 5 days before the public hearing. In addition, public notice is posted at the Town Clerk's office. Written notice to neighbors is not required for meetings or hearings conducted by the HDC related to a *Certificate of Appropriateness*. However, written notice to neighbors is required under the

town's *Demolition Ordinance*, and it is HDC policy to do so as well for all Public Hearings related to a *Certificate of Appropriateness*.

By law, all HDC meetings which constitute a quorum of its members, except Executive Sessions, must be open to the public and have a posted agenda and adequate public notice. Executive Sessions are closed to the public, but must be advertised on the posted agenda for any meeting, and must be limited to legal and personnel issues.

Three members of the HDC constitute a quorum. When less than five members are present, the chairperson may appoint the number of designated alternates required to make a full HDC. Alternates serve in rotation and have full voting rights.

Public Hearings are held during the monthly regular meetings of the HDC. All records are available for public review at the Office of the HDC.

Special Meetings may be held for any reason, and at any time and location, at the request of the chairperson or any two members of the HDC. Special Meetings may include (but are not necessarily limited to) workshops, seminars, inter-agency discussions involving mutual interests, consultation with professional experts and technical consultants, and discussions with private groups and individuals. Special Meetings may also be held at the option of the HDC to expedite lengthy proceedings continued over from a regular meeting. Special Meetings which constitute a quorum of the HDC members must be open to the public and notice and agenda for the same must be posted at the Town Clerk's office at least 24 hours before such meeting, though no other advertising is required.

Public Hearings are scheduled in conjunction with the regular meetings of the Historic District Commission (HDC), which are held on the second Tuesday evening of every month. Regular meetings normally begin at 7:00 PM at Town Hall, but may be scheduled at other times and location per published notice of Public Hearing.

At the public hearing, the Chairperson will first call the meeting to order. The Clerk of the HDC will read the advertised notices of public hearings, which will be heard in the order that the HDC deems proper. The Chairperson will ask the Applicant and/or Applicant's agent to be recognized and be identified for the record.

If the application is for a *Certificate of*

**APPLICATION PROCEDURES FOR CERTIFICATE OF APPROPRIATENESS**

*Appropriateness*, the Applicant shall then make a presentation to the HDC, explaining the proposed work. At the Applicant's option, the Applicant may also introduce expert witnesses and other interested parties (such as neighbors) who may make further presentation to the HDC.

If the application is for demolition, the Applicant shall focus on the nature and condition of the structure to be demolished, and shall not make any presentation related to proposed new construction. The Applicant should be prepared to provide a detailed explanation as to the necessity of demolition. Where a *Certificate of Appropriateness* is required for work proposed subsequent to an approved demolition, a separate application will be required for such new work and shall be heard only after demolition has been permitted.

After the Applicant's presentation, the Chairperson and HDC members may direct questions to the Applicant and his or her representatives. These questions may relate to the proposed work and/or demolition, and to the historic, architectural and cultural significance of the property, including the context of the property as it relates to the patterns of development of the town.

After questioning by the HDC, the Chairperson will hear questions and comments from the audience, if any, who in turn must introduce themselves by name and address. Those who wish to speak in favor of a project will speak first. Those who wish to speak against a project will be asked to do so only after all proponents have been heard. All comments must be directed to the HDC and not to the Applicant. Only one person shall be allowed to speak at a time. After hearing opposing comments, if any, the Applicant will be allowed to rebut objections.

After questions and comments from the audience and the Applicant's rebuttal have been heard, the Chairperson will call the public hearing closed. The Chairperson will then request the HDC members to individually comment on the application. With regard to proposed demolition, such comments will be limited to the assessment of the existing structure and the viability of its preservation.

**Decisions**

The HDC may vote on an application immediately upon completion of a hearing, or may defer such vote until later in the same meeting or to a subsequently scheduled regular meeting, or if necessary to a

special meeting. The HDC must vote on an application within 65 days of officially recorded receipt of the application, unless the application is either formally withdrawn or a written request for an extension is accepted by the HDC. Decisions granting or denying an application shall be approved by a minimum of three HDC members. If the HDC denies the application, written notice shall be sent to the Applicant, the Building Official, and the Zoning Enforcement Officer, stating the basis for such denial. At its discretion, the HDC may approve an application with additional stipulations. If the Applicant does not wish to implement such stipulated conditions, the Applicant's only recourse is to reapply with modified design proposal, or appeal the HDC's decision in Superior Court.

If the HDC determines that an application is insufficiently complete to make a proper determination, it shall have no recourse but to deny the application, unless the Applicant elects to withdraw the application. The Applicant may withdraw an application in writing at any regular meeting, or during normal office hours at the Office of the HDC. A withdrawn application may be resubmitted at any time thereafter but, for the purposes of determining the 65-day review period, such resubmission shall be considered a new application effective as of the date of re-filing.

The HDC shall make a determination based on the submitted application materials and duly recorded comments of the public hearing. The reader is referred to the design guidelines of this handbook, which provide an in-depth discussion of both the general objectives and specific criteria considered in the HDC's determination of appropriateness of design. These guidelines are provided to assist the Applicant in design matters, but should not be considered to represent absolute standards which can and must be applied in all instances. The HDC ultimately must make a determination as to appropriateness based on its own judgment as to a proposal's appropriateness within the characteristic setting and building traditions of the historic district.

**Certificate of Appropriateness**

Upon approval by the HDC, a *Certificate of Appropriateness* will be issued to the Applicant, with a copy filed at the office of the Building Official. No construction or demolition may commence, whether or not a building or zoning permit is required, nor

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shall any building permit be granted prior to issuance of such *Certificate of Appropriateness*.

A *Certificate of Appropriateness* is valid for 5 years from date of issuance. An Applicant may apply for, and the HDC may approve, an extension only before expiration of the original *Certificate of Appropriateness*. Any change in detail or scope of work from that authorized by the *Certificate of Appropriateness* requires approval of a new *Certificate of Appropriateness* by the HDC. Any work stipulated as a condition of a *Certificate of Appropriateness* must be completed in conjunction with other work, or a *Notice of Violation* may be imposed by the HDC. A *Notice of Violation* may result in fines and court mandated remedial work.

### Appeals

Any party aggrieved by any decision of HDC may appeal to the Superior Court. An appeal must be made within 15 days from the date of an adverse decision, and it must be made returnable to such court in the same manner as any other civil action.

### Inspection

All work completed under a *Certificate of Appropriateness* shall be inspected by a designated representative or representatives of the HDC before a *Certificate of Occupancy* can be issued by the Building Official and/or a *Certificate of Compliance* can be issued by the Zoning Enforcement Officer. Completed work found to be in violation shall be rectified prior to issuance of a *Certificate of Occupancy*, except that a bond may be posted as stipulated by the HDC to permit temporary occupancy prior to such rectification.

### Stop-Work Orders and Notices of Violation

Under *CGS Section 7-147h, Action by Commission to Prevent Illegal Acts*, the HDC is:

*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 in violation of any provision of the regulations or orders made under the authority of said sections or of any regulation or ordinance adopted under said sections.*

The Zoning Enforcement Officer may issue a *Cease and Desist Order* and/or the Building Official may issue a *Stop-Work Order* for any construction or

demolition activities which are proceeding in violation of any HDC regulation or ruling. A *Notice of Violation* may be issued for any work which already has been completed in violation of the same. Any such order or notice shall state the general nature of violation, and shall order the property owner to appear before the HDC for its determination both as to required remedial work and schedule for completion of same.

Should any violation persist, CGS permits the HDC to institute action in Superior Court to restrain such violation and to issue orders that the violation be corrected or removed. Such action may require the demolition of any new structure erected in violation of regulations, or the complete reconstruction of a building demolished in violation of the same. Specifically, *CGS Section 7-147* states that:

*Such order may direct the removal of any building, structure or exterior architectural feature erected in violation of said sections or any bylaw or ordinance adopted under said sections or the substantial restoration of any building, structure, or exterior architectural feature altered or demolished in violation of said sections or any regulation or ordinance adopted under said sections.*

### Fines for Non-Compliance

*CGS Section 7-147h* stipulates that the Superior Court may impose a fine of not less than \$10 nor more than \$100 for each day that a violation of an HDC regulation or ruling continues, and if the violation is found to be willful, a fine of not less than \$100 nor more than \$250 for each continuing day. Moreover, all legal costs, fees, and expenses, as well as attorney's fees, incurred in conjunction with actions taken against a violator may be assessed against the violator. After payment of such expenses, any funds collected as fines shall be used for the restoration of the affected property, and any remaining amounts shall accrue to the municipality.

### Liable Parties

*CGS Section 7-147h* stipulates that any party who assists in or maintains a property in violation of HDC regulations or rulings may be found liable for same. Such parties may include, but are not necessarily limited to, the property owner, tenant, design professional, contractor, and/or agent.

## APPLICATION PROCEDURES FOR CERTIFICATE OF APPROPRIATENESS

**WESTPORT HISTORIC DISTRICT COMMISSION  
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS CHECKLIST**

If a property is located in one of the designated Historic Districts in Westport or if it is identified as a local historic property, no exterior alterations, additions, demolitions or new construction including, fences, signs and changes to parking areas or driveways can take place until a certificate of appropriateness has been granted by the Historic District Commission.

Applications require a public hearing and an application must be submitted two weeks prior to the next regularly scheduled meeting of the commission. Hearings are held on the second Tuesday of each month at 7:00 p.m. in Town Hall.

**IMPORTANT:** This application must be printed or typed and completed with all required exhibits attached. Failure to submit all requested information and exhibits may result in denial of the application. If you have any questions regarding the completion of this application, please call the HDC Coordinator at 341-1184.

**APPLICATION MUST BE ACCOMPANIED BY:**

- Completed application form
- Narrative describing project including details of changes to and materials used for project; including but not limited to changes to windows, skylights, gutters and leaders, doors, porches, walkways and driveways as well as any exterior feature of the subject property.
- One (1) set of construction plans to scale and one (1) reduced to scale, indicating size and location of all existing buildings and structures and size and location of all proposed building or additions and structures. Plans need to include all elevations and heights. *If an addition is being proposed, existing and proposed building plans must be submitted. If there is any demolition to take place, the extent of the demolition must be specifically and unambiguously highlighted on the application and on the elevations and stated in the presentation to the Commission.*
- Stamped addressed envelopes to the property owners of all properties abutting subject property, including a stamped self addressed envelope. The envelopes should not have a return address.
- Photos of existing elevations where work is proposed
- Owners written authorization when application is presented by an agent other than an attorney at law.

Once all the above required application materials have been compiled, an appointment should be made with a Historic District Commission Staff Administrator to review the plans and application. The application can then be submitted and a hearing date will be scheduled. The Historic District Commission office is in Room 108 in Town Hall.

**NO APPLICATION WILL BE ACCEPTED UNTIL IT IS COMPLETED AND DOCUMENTED AS SPECIFIED ABOVE.**

The Commission will give written notice of its decision. A copy of the certificate of appropriateness with the HDC Chairman's signature granting preliminary approval will be sent to the applicant and the Planning and Zoning Department.

If the HDC grants preliminary approval of the certificate of appropriateness and a zoning permit is required, an appointment should be made with the *Planning and Zoning Department by calling 341-1030 to obtain the necessary zoning permit.*

*After the work is completed, the applicant must call the Historic District  
Commission office at 341-1184 to schedule a date for the final inspection.*

*For Office Use Only:*  
Date of Filing: \_\_\_\_\_

# WESTPORT CT – HDC HANDBOOK

*For Office Use Only:*  
Date of Filing: \_\_\_\_\_  
Date of Public Hearing: \_\_\_\_\_  
65 Day Period Ends: \_\_\_\_\_  
Type of Work: \_\_\_\_\_

## Westport Historic District Commission Application for Certificate of Appropriateness

*Application is hereby made for the issuance of a Certificate of Appropriateness under the Historic District Ordinance of Westport, Connecticut, enacted pursuant to the enabling authority contained in Chapter 97A, Section 7-147d and 147s, as amended, of the General Statutes of Connecticut.*

### SECTION 1 (To be Completed by the Applicant):

Address of proposed work: \_\_\_\_\_

Owner: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Agent/Contractor: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Anticipated date of completion of construction: \_\_\_\_\_

Owner's Signature – Application must be signed \_\_\_\_\_ Date \_\_\_\_\_

### SECTION 2 (To be Completed by the Zoning Enforcement Officer)

Signature of Zoning Enforcement Officer indicating preliminary review of compliance with zoning regulations. \_\_\_\_\_

**When the application form is completed and all application materials compiled, return completed application with application materials to:**

Historic District Commission Coordinator  
Town Hall, 110 Myrtle Avenue, Room 108, Monday through Friday from 8:30 a.m. to 4:30 p.m.

### SECTION 3 (To be Completed by the Historic District Commission)

Date of Public Hearing: \_\_\_\_\_

**Preliminary Certificate of Appropriateness granted**

List any conditions or modifications: \_\_\_\_\_  
\_\_\_\_\_

**Certificate of Appropriateness denied**

List reasons for denial: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature/Chair, WHDC Date  
Approval

\_\_\_\_\_  
Signature/Chair, WHDC Date  
Final Inspection

*After approval has been obtained from the Historic District Commission, work cannot commence until proper zoning and building permits have been obtained from the Planning and Zoning and Building Departments.*

*Standard Form – Application for Certificate of Appropriateness*

## **Introduction**

It is the primary objective of the Historic District Commission (HDC) and of these design guidelines to promote construction activities which are not incongruous with the characteristic building traditions of the community.

As historic areas have evolved over time, and can be made up of multiple architectural styles and building types, there is typically no single correct solution to an appropriate design in the historic context. As such, there may be many appropriate solutions, and many more inappropriate ones. The HDC must consider a number of variables in evaluating any proposed construction activity in the historic context, whether that activity involves rehabilitation, renovation, restoration, addition, reconstruction, demolition, or new building.

It is stressed that the following sections of Part 7 are guidelines and not absolute standards for appropriate design. Because of the often individual and sometimes unique aspects of any given proposal, the HDC must in the end use its own judgment in determining appropriateness.

## **Secretary of the Interior's Standards for Rehabilitation**

Following is a list of the United States Secretary of the Interior's "short list" of standards for rehabilitation of historic buildings and structures, as administered by the National Park Service, the Connecticut State Historic Preservation Office, and the Westport HDC. These ten Standards are the basis for all the design guidelines that follow in this handbook, except that they are not mandated by the HDC for interior modifications of buildings or to portions of buildings not in public view.

Quoting the National Park Service:

*The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs. The Standards (36 CFR Part 67) apply to historic buildings of all periods, styles, types, materials, and sizes... The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction... The Standards are applied to projects in a*

*reasonable manner, taking into consideration economic and technical feasibility.*

- 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*
- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*
- 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*
- 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*
- 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*
- 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or evidence.*
- 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*
- 8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*
- 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be*



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*differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

*10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The National Park Service has developed four variations of these basic standards as they also pertain more specifically to each of the following applications:

- Rehabilitation
- Preservation
- Restoration
- Reconstruction

These four sets of standards are transcribed in the appendices of this handbook.

### **HDC Design Objectives**

Pursuant to the preceding federal standards, and in consideration of the applicability of same to the Town of Westport, the HDC design guidelines reflect the following ten basic objectives:

- New construction shall be made harmonious with its immediate historic environs by reflecting the characteristic scale and building traditions of those environs. However, new construction is discouraged from pretense to antiquity, unless documented historic precedence exists for reproduction architecture on a given site. Excellence of new design is encouraged.
- Additions to a historic structure shall be harmonious with, but architecturally distinguishable from, the characteristic architectural features of the historic structure, or of the characteristic structures of the immediate environs, and shall not destroy the main character defining features of the historic structure. Additions shall be proportional to the massing of the historic structure.
- Alteration or removal of characteristic architectural features, including architecturally significant additions, should be avoided. Where

alterations are required, new components shall be harmonious with the design of the original structure and of any later additions which may be architecturally significant in their own right, but shall be distinguishable as an alteration to such earlier structure(s).

- Replacement of deteriorated historic architectural features is permitted only when repair is not feasible. Such replacement must be an accurate replication. Previous alterations not deemed appropriate may be replaced with more appropriate features. Whenever possible, the restoration of removed or altered original features, based on documented sources, is encouraged.
- Additions and/or alterations to an existing structure without architectural significance, when such structure is deemed in its present state to detract from the overall character of its environs, should mitigate such existing adverse impact through the design of new elements which will make the structure as a whole more harmonious with its environs.
- Demolition of structures which contribute to the overall scale of a historic area shall not be permitted unless there is no prudent alternative. Moving of historic structures may be considered only as a last resort.
- Incidental site structures and fixtures, including but not necessarily limited to outbuildings, fences, street lighting, signs, utilities, and paved surfaces, shall be consistent with the characteristic scale and style of the environ. Reconstruction of historic site fixtures where there is precedent for same is encouraged. New fixtures where there is no precedent are permitted but shall not make pretense to antiquity.
- Parking and related traffic areas should be appropriately screened from public view. The visual impact of large areas of parking shall be mitigated through the use of traditional paving materials and suitable landscaping.
- Archaeological resources shall be protected wherever possible. Professional archaeological survey is required when such resources are encountered.
- Land use is not regulated by the HDC and adaptive reuse of historic properties is not

discouraged when it is essential for the practical preservation of a structure. However, a change of use should be compatible with the historic building and site so as to require minimal alteration to both. Wherever possible, the retention or restoration of original use is encouraged. New infill construction is encouraged to reinforce historic land use patterns.

In the following presentation of design guidelines, specific guidelines are bulleted in bold. Topical background discussion for these guidelines follows in regular font.

### **Characteristic Style**

- **Appropriate new architecture will be harmonious with the characteristic style of its environs, but without making pretense to antiquity.**
- **Additions to existing structures should be stylistically compatible yet distinguishable from the characteristic style of the building.**
- **Excellence of new design that is compatible with the historic environs is encouraged.**



Westport's historic districts display a historic progression of architectural styles from the early Colonial to the Modernist, and this evolution is basic to the integrity of these districts' historic fabric. A property's environs may be characterized by one dominating style of architecture, or may be characterized more by diversity of style. Style is always a significant aspect of appropriate design in context.

The appropriateness of style for new construction and additions will vary according to the nature of the proposed work and to its setting within the district. Where existing styles vary in immediate context, the contextual rhythm of the streetscape must be taken into consideration in determining an appropriate style for new construction appropriate to the setting. Additions to existing buildings may reflect the style of the existing structure, so as not to upstage the main portion of the building itself, or may become a distinct architectural gesture in itself.

Reproduction architecture is discouraged if there is no historic precedence for the same. While reproduction architecture may be appropriate in

restoring a historic facade where early photographs exist, or for infill construction where one style predominates, compatible contemporary architecture is generally more appropriate for new construction in the more heterogeneous parts of a district. The contextual and historicist approaches of much contemporary architecture can be consistent with the objectives of a historic district. There may be several appropriate stylistic solutions to any given construction scenario. It is therefore the directive of the HDC not to dictate a single appropriate solution, but to prevent an inappropriate one. Quality of architectural design is what matters most for new construction, whether historicist or Modernist in approach, so long as it integrates well into the larger historic context.

Many if not most existing buildings in the historic context are considered to be stylistically worthy of preservation in their own right. However, the HDC reserves the right to allow the re-styling of any building, no matter what its age, if deemed in the best interest of the district as a whole. By doing so, the HDC is acting to consolidate what is generally considered to be favorable in a district, while eliminating or mitigating that which is considered to be unfavorable.

Prevailing attitudes will undoubtedly limit individual stylistic expression to a certain degree, restricting on one hand avant-garde architecture and on the other hand the banal residential and strip commercial architecture of the mass produced suburb. Often there is a fine line in determining what is stylistically appropriate, and in the end a consensus based on sound judgment of a building's and district's characteristic features must govern. Taste per se is not appropriate grounds for determination of appropriateness. The progressive traditions of the Town of Westport should not be forgotten in evaluating what is appropriate architecture.

### **Contextual Rhythm**

- **Appropriate design shall understand and contribute to the characteristic rhythm of the streetscape.**



Contextual rhythm refers to the pattern of relationships of structures which may line a street or thoroughfare or which may comprise a larger landscape. Rhythm is determined by the relative

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repetition and variation of these structures in terms of their apparent scale, which in turn is determined by these buildings' relative size, massing, orientation, and even style.

The rhythm of a street is thus an abstraction of the relative scale of the buildings which line it, accounting for both consistency and change in scale along it. Street rhythm may be more or less complex. Where buildings are diverse in individual scale or style, the rhythm that is established by these buildings is often the fundamental order that gives character to their setting.

### Scale

- **New construction shall be compatible with the unifying contextual elements of scale, but may be permitted individuality not incongruous with the rhythm established by the diversity of its environs.**



Scale is a primary consideration in determining whether a structure is compatible with its setting. Scale as incorporated into these guidelines refers to the relationship of a structure as a whole to its neighboring structures, street, and landscape – that is to the scale of a structure within its historic community context which in turn may have multiple structures of different scale.

Compatible scale does not dictate uniformity in design or style. Indeed, contained individuality can give vitality to the unified whole of a common scale. How this diversity can be achieved within the larger harmony of compatible scale is very often the basic question in defining appropriate design.

Appropriate scale in siting must be considered in terms of both the structure itself and the space that surrounds it. The characteristic historic scale of Westport runs the gamut from agrarian to downtown commercial; it can even be construed to include the honky-tonk scale of the highway strip. In the village setting of Westport Center, distinctly different scales may be identified for the commercial downtown blocks, the west and east banks of the Saugatuck River, and for the largely residential surrounding neighborhoods. Elsewhere, the gentrified country setting of the Long Lots and Green's Farms districts retains a mostly uniform historic open landscape of rolling fields and stone walls. Environmental scale

thus may be urban or rural, commercial or residential; it may be homogenous or diverse.

Within characteristic historic village settings, the pattern of existing buildings along a street line (or waterfront) is fundamental to an understanding of apparent scale. A group of buildings which are similar in their orientation to and rhythm of placement along a street, may retain a compatible scale despite distinct variations in individual massing, size, and even style. There may be no characteristic building height, and the massing of individual buildings may vary from wide flat roofed structures to narrow gable roof structures. However, this diversity may be unified by a characteristic downtown scale of a common building line, no setback from the sidewalk, tight or no spacing between buildings, and shared sidewalks and other public right-of-way fixtures – diversity among unity might be said to be the fundamental scale of this downtown area.

In the design of appropriately scaled new elements, it is thus essential to first identify those elements which are generally consistent within a structure's environs, and secondly those which are not. As historic scale is the product of the interaction of many variables, appropriate new design will reflect an understanding of these.

### Size

- **Appropriate new design will generally be consistent in size with its immediately adjacent buildings.**
- **If adjacent buildings are dissimilar in size, appropriate size may be dictated by the size of buildings in the greater neighborhood, considering the rhythm of building size along a street or thoroughfare, along with the relative size of the lot. An appropriately sized structure shall facilitate the transition between existing dissimilarly sized buildings.**



The apparent size of a building may be altered by the nature of its exterior architectural elements and by its siting – that is by changing its scale. A large building set back may appear smaller and vice versa. Similarly, a large building with monumentally scaled detail may appear smaller than it actually is.

Another traditional means of manipulating the apparent size of a building is the incorporation of a

habitable attic story, such as with a gambrel or mansard roof and dormers – effectively adding a story without adding to facade height. Similarly, beginning with the Federal style, structures were often placed on raised basements, creating both additional usable space and increasing the apparent scale of a two-story building.

The apparent size of a large simple mass can also be reduced by breaking it into smaller but adjoined components – additive massing as discussed later.

In the end, it is the apparent scale of a structure, and not its actual size, that is critical in determining appropriate architecture in the historic context.

### **Orientation**

- **Appropriate design within any village setting shall consider the street rhythm established by the consistent and/or varied aspects of the site orientations of the buildings that make up its environs.**



Orientation refers to a structure's position on its site in terms of its angle to the street and to its setbacks from both street and side property lines. Generally, buildings in Westport's historic village settings are set square to the street with entranceways set in the street facade, and thus appropriate new design will often follow this pattern.

Neighboring structures usually are similar in the distance of their setback from the street line, though there is no absolute consistency in this regard. If two abutting properties have similar street setbacks, such setback is generally appropriate for new construction. However, if the characteristic setback of the street is significantly different from these abutting properties, an appropriate setback sometimes may better reflect the overall rhythm of the street. If two adjacent buildings properties have significantly different street setbacks, but are otherwise similarly scaled, a setback which averages the two neighbors may be appropriate, unless the overall rhythm of the street dictates otherwise.

An L-shaped building plan might align with different adjacent street setbacks. If adjacent buildings are of significantly different type, as for instance where there is a commercial building on one side which forms the end of a commercial block, and on the other side there is a freestanding residence set back from the sidewalk line, an

appropriate decision on setback might reflect the use of the proposed building. Is it another commercial structure or another residence? In either case, appropriate design again would facilitate the transition from the commercial scale to the residential scale.

Orientation also refers to a structure's setbacks from its side property lines. While orientation to a street line may be relatively consistent, orientation to side property lines often is more varied. On narrower lots, buildings were often set to one side to create a single but larger open side yard. Sometimes, an adjacent property would mirror this, creating an even greater openness of abutting yards on one side, and a pairing of structures across a narrow yard on the other side. Earlier houses frequently followed a solar orientation facing open south side yards, even if not square to the street line. Houses erected on larger lots more often are centered on the same.

Finally, the rhythm of a street is influenced significantly by the orientation of characteristic roof forms located along it. For example, while many roofs are of gable type in Westport's residential neighborhoods, such gables may be oriented either parallel or perpendicular to the street. The Greek Revival style, for instance, was in large part a response to the narrower lots of a developing village setting, wherein the narrower gable end of the building fronts a street. In this case, orientation helped dictate style. Adding a side wing to a Greek Revival "gable-ender" on a wider lot formed an L-shaped building plan with roofs set in both fashions. The orientation of a roof to the street is thus a fundamental consideration in appropriate design.

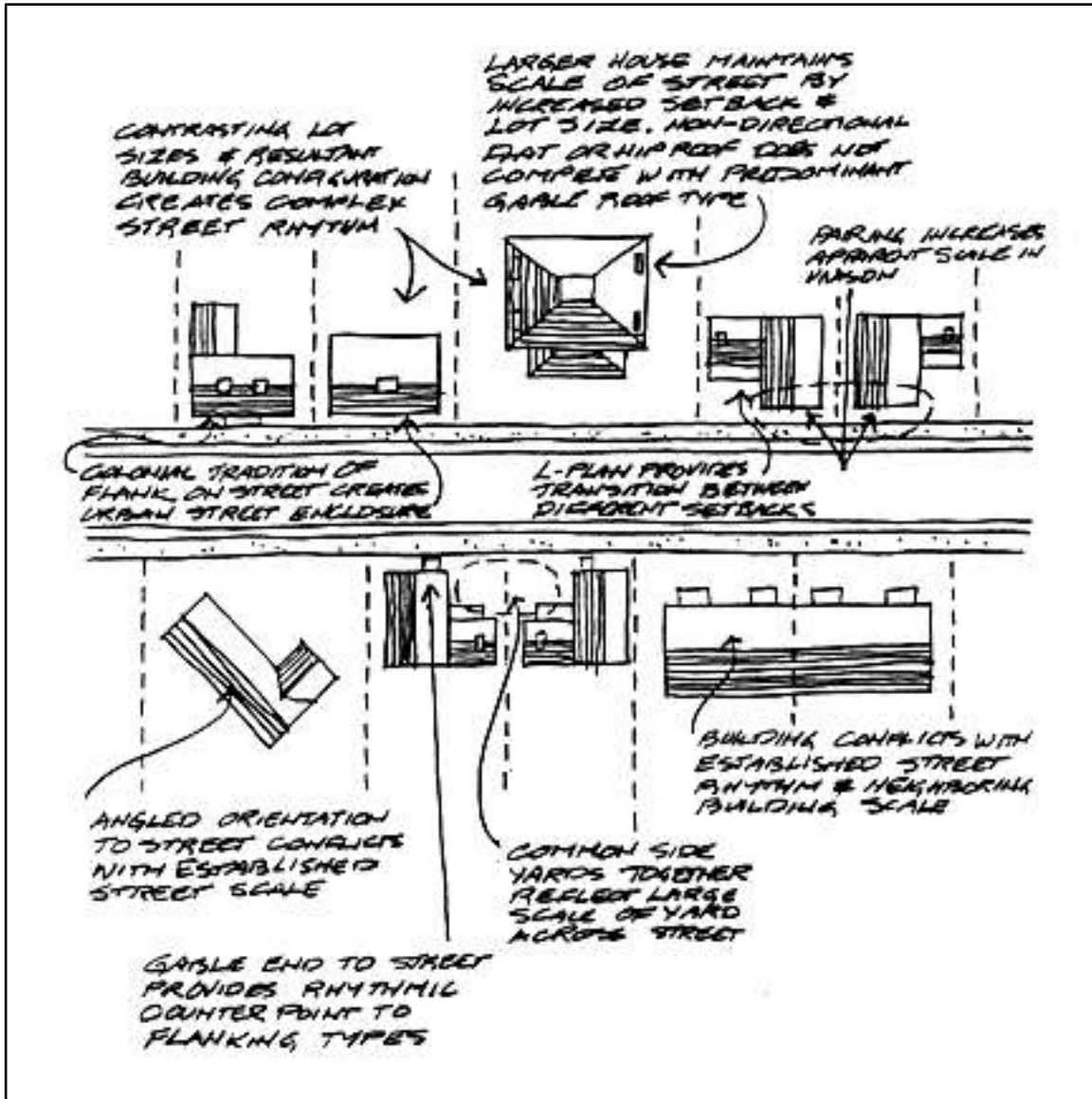
### **Massing, Balance and Proportion**

- **Massing shall be consistent with existing structures. Where disparate massing exists, massing shall be considered in conjunction with the general scale, rhythm and orientation of the environs.**



Massing relates to the characteristic form of a building, as dictated by its shape and proportions. The relative massing of neighboring buildings is an important aspect of both scale and rhythm.

For instance, the same size building will have a smaller scale if its mass is broken up into separate wings, or a larger scale if consolidated into a single

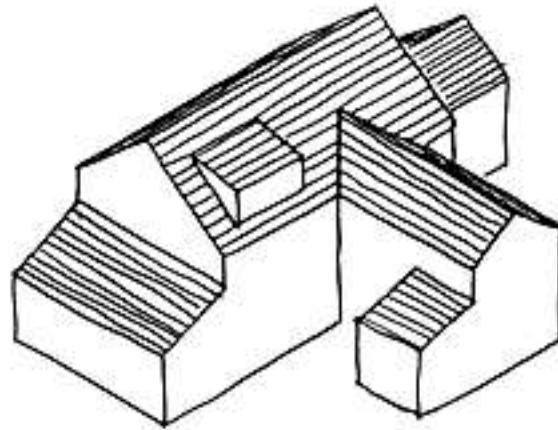


*Scale, Rhythm and Orientation*

mass. Generally, the older a building, the simpler its massing would have been in its original state. At the other extreme, a building may be made up of a number of wings, porches, bay windows, towers, and the like, which may have been added to an earlier structure over its history, or which may be original to the design.

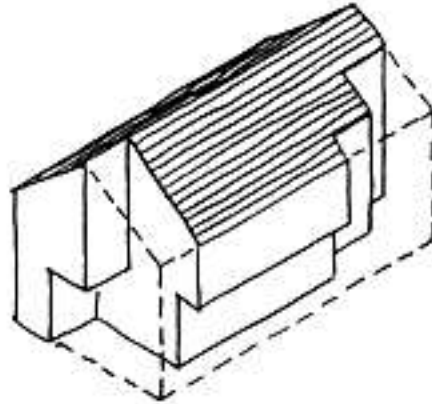
More complex building forms can be characterized as being additive, subtractive, or interpenetrating in nature. Additive forms are formed by attaching discrete building elements to one another, generally with a predominant form and secondary wings, porches, bay windows, etc. Such additive forms are characteristic of both simple early structures which

have been added to over time and to the deliberately more complex and picturesque structures built during the second half of the nineteenth century. When porches gained popularity following the Civil War, they were additive elements affixed to the predominant massing of earlier building prototypes. The rambling Colonial Revival country house is another example of additive massing, breaking its mass and scale down by deliberately invoking the image of an agrarian homestead with attached wings and sheds. The neo-Colonial suburban house of the later twentieth century does the same by connecting a garage by means of a smaller bridging breezeway – an ersatz mimicking of farmhouse and barn.



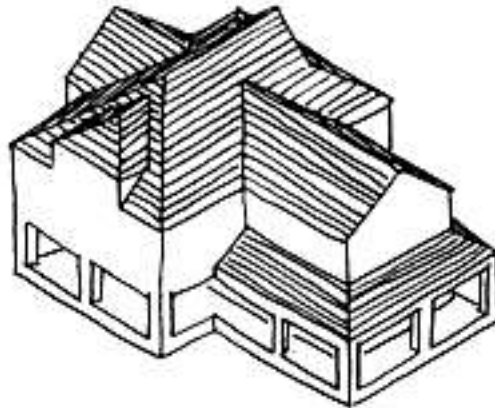
ADDITIVE MASSING

TRADITIONAL MASSING THROUGH MID-19TH CENTURY—SMALL ADDITIONS REMAIN SUBORDINATE TO ORIGINAL PRIMARY MASS. THIS IS USUALLY PREFERRED MASSING TYPE IN THE HISTORIC CONTEXT.



SUBTRACTIVE MASSING

CONTEMPORARY TYPE WITH NOTCHES, RECESSES, & OVERHANGS IS USUALLY NOT APPROPRIATE IN THE HISTORIC CONTEXT.



COLLIDING, ADDITIVE, & SUBTRACTIVE MASSING

COMPLEX MASSING WHICH EVOLVED BY END OF 19TH CENTURY—COLLIDING MAIN MASSES, FLUSH CORNER, & GARBLE-ON-HIP; ADDITIVE VERANDA; & SUBTRACTIVE LOGGIA. COMPLEX MASSING TO BE USED WITH DISCRETION IN HISTORIC CONTEXT.

*Building Massing*

During the second half of the nineteenth century, Victorian architecture introduced increasingly complex forms where major building elements appear to penetrate one another with asymmetrically placed cross wings. Building elements were also cut away to form, for example, recessed loggias – thus the term subtractive massing. At the same time, and often on the same building, Victorian verandahs comprised additive elements. Victorian architecture thus displays a deliberate irony between additive, subtractive, and interpenetrating forms. These complexities and ironies can also be characteristic of the more romantic examples of Westport’s turn-of-the century country estates and twentieth century suburban architecture.

Complex massing can be a useful means of relating a new structure to the sometimes contradictory demands of a setting, by reducing its apparent scale and contributing to the rhythmic variations of its environs. However, simpler additive massing is usually more appropriate in the earlier settings of Westport’s maritime and colonial neighborhoods.

Symmetry and asymmetry are yet additional components of massing. Again one sees an evolution from the relatively symmetrical designs of the eighteenth and early nineteenth century to an interest in the more dynamic and deliberately ambiguous asymmetrical balance of the later Victorian and even Modernist styles. Architectural massing of the turn of the twentieth century through most of the twentieth century reflects the conflicting academic and progressive ideals of the times – the formal symmetries of Colonial Revival architecture are in contrast to the more “organic” and environmentally contextual forms introduced by the Arts and Crafts movement and related Shingle, Prairie and Craftsman Styles. Sometimes the formal symmetries of the Colonial Revival are set in deliberate counterpoint to additive massing that evokes the romantic and organic notions of an earlier agrarian time. As such, architectural massing since the beginning of the twentieth century may be simple or complex, it may be additive, subtractive or interpenetrating, and it may be symmetrical or organic.

Proportion is the final aspect of massing to be considered in appropriate design. Proportion, as it relates to scale in context, refers primarily to the relative height and width of a building – is it tall or low, wide or narrow? Generally, appropriate design

will reflect the overall proportions of abutting properties and the rhythm of the street at large. Appropriate proportions will achieve balance in context. The proportion of a building’s individual architectural features can also become an important influence on the larger scale of the street, particularly where buildings are sited closely and are of similar design.

### Roof Type

- **Roof types for new construction should reflect characteristic local types, and be compatible with the general rhythm of roof forms along a street.**
- **Complex interpenetrating roof forms may be appropriate in Westport’s later Victorian and early twentieth century residential neighborhoods, but simpler additive roof forms traditional to the nineteenth century are usually preferred for new construction in the town’s historic villages and rural hamlets.**
- **Roof form and pitch for building additions should be similar but clearly secondary to the main existing roof form.**
- **New flat roofs in Westport’s historic districts may be appropriate for downtown commercial and industrial structures and for additions to existing flat roof Italianate style houses. Otherwise, roof pitches of less than 6" in 12" will usually be considered inappropriate for new construction. Conversely, roof pitches in excess of 12" in 12" are discouraged unless associated with suburbia of the twenties.**
- **Mansard and gambrel roofs may be appropriate with careful regard to ornament and detail for new construction.**



Roof form is a crucial part of a building’s overall massing and style. Specific roof elements, such as dormers, chimneys, roofing materials, and skylights are discussed later in these design guidelines as roof elements.

A roof may vary from a simple single gable roof form to a complex one of interpenetrating or additive forms, both parallel and perpendicular to the street, and both higher and lower. Simple gable roof pitches are generally steep with the exception of the Greek Revival style. Other roof forms typical of

Westport's historic districts include the shallow hip and flat roof of the Italianate style, the mansard of the Second Empire style, the gambrel of the Colonial Revival and Shingle Style, and the steep and sometimes truncated gables of the Tudor Revival.

A building's roof orientation will impact upon its apparent massing and the rhythm of the greater environs. For instance, the Greek Revival gable-ender has a taller but narrower massing than the traditional Colonial building, and accommodates tighter building placement.

Almost all of Westport's historic structures from its Colonial and Federal eras, that is from before about 1840, have relatively steep gable pitched roofs, with the flank of the long eave side as the primary facade. Typically, the pitch of these eighteenth and early nineteenth century houses was about 8" to 10" in vertical dimension to every 12" horizontal. A few of Westport's earliest structures have rear "saltbox" extensions, where the rear roof-line of a two story house was extended downward over a single story rear addition.

Another Colonial roof type is the gambrel, with its trussed roof structure that allowed additional headroom in the attic story. Gambrel roofs essentially have two eaves, with a shallow upper gable pitch spilling over a steeply pitched lower pitched roof. The break line between these two roof surfaces was always articulated with a horizontal trim board, because the sharp bend could not otherwise be covered by wood shingle. While the Colonial gambrel roof was used occasionally in early Westport architecture, its deliberately exaggerated adaptation during the late nineteenth century and early twentieth century Shingle Style and Colonial Revival was more common.

Many of Westport's historic structures date from the mid-nineteenth century with the emergence of the town's maritime economy. The Greek Revival of the time introduced a fundamental change in the traditional roof form, by making the gable end of the building the primary facade. This reflected the traditional Greek temple form, while permitting construction on deeper and narrower village lots. To correspond with the temple form, the prototypical Greek Revival roof has a much shallower roof pitch than earlier Colonial and Federal era architecture, and consequently has much less emphasis on the roof surface itself – a pitch of approximately 6" vertical to 12" horizontal. However, not all Greek

Revival era structures were of this temple type, and some retained the earlier traditional building mass with updated Greek Revival detailing. In this latter case though, the roof pitch is usually reduced to typical Greek Revival proportions.

The attic story of the front gable end of two-story Greek Revival houses was often visually separated from the story below to form a classical pediment, and the eaves of the flanking sides were often raised to allow a neoclassical entablature to cap the side walls (this also permitted greater attic story headroom). Where gable end pediments were not used, the eave trim was wrapped around the corner for a couple of feet – this is referred to as a "comice return". Dormers were not used on the shallow pitch temple roof forms; instead low and symmetrically placed "lie-on-your-belly" windows were occasionally incorporated within the raised knee walls of the building flank.

The Italianate style, which was very popular in Westport during the period just before and after the Civil War, introduced a tradition of nearly flat or shallow hip roofs for more elaborate houses, with heavy and projecting bracketed comices, and often a large glazed lantern (commonly referred to as a cupola). Smaller Italianate houses generally retained a gable pitch which, in keeping with the preceding Greek Revival tradition, was oriented either parallel or perpendicular to its primary facade. Unlike the Greek Revival, a steeper roof pitch was favored, allowing use of the attic story. The Italianate also incorporated heavy comice returns at the gable ends in lieu of the full Greek pediment.

The romantic movement of just before the Civil War popularized the Gothic Revival style, with its steeply pitched rustic cottage roof form. This early Victorian style however is rare in Westport. Later in the nineteenth century, during the high Victorian era, the picturesque steeply pitched roof became more common. The "Gothic" roof retained a modest popularity in Westport into the romantic revivals of the early twentieth century known collectively as Stockbroker Tudor.

The mansard roof was introduced immediately following the Civil War in conjunction with what is known as the French or Second Empire Style. This roof type allowed a full height attic story to be incorporated into a structure, while maintaining the traditional eave line of a structure with one less story. A mansard is in effect a gambrel on all sides.



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Unlike the gambrel, however, the mansard incorporated formal dormers to permit fenestration of the “attic” story, and this represents the first formal use of dormers in Westport architecture. While mansard roofs are not generally consistent with the prevailing roof forms of Westport’s historic districts, their “lowering” of the eave line can be a useful device in relating larger buildings to smaller ones nearby. However, the mansard roof relies on elaborate detailing and ornament not readily achieved today – mansards which overhang exterior walls without proper cornice entablature detail will generally be deemed to be stylistically inappropriate.

Prior to 1840, roof forms generally consisted of a single primary shape, with at most subordinate wings or ell with a similarly shaped roof. However, a new architectural complexity emerged with the development of the formal L-shaped floor plan during the mid-nineteenth century. Earlier roof forms of this L-plan, particularly when associated with the Greek Revival, retained the visual relationship of primary and secondary building wings. The Italianate style of the pre-Civil War era however treated each wing equally, creating a single roof form of two intersecting gables – for Westport, this is the first time that architectural style is characterized by a complex roof form. The cross-gable became the favorite form for more modest Italianate houses of the time, and by 1885, at the height of the Queen Anne Revival style, the cross-gable roof was combined with dormers, turrets, hipped gable ends (jerkinheads), and lower porch roofs to form even more complex roof forms.

The simpler turn-of-the twentieth century Eastlake style “cottage”, a middle class spin-off of the more elaborate Queen Anne Revival, returned to the earlier and more straightforward cross-gable form of the Italianate. In many cases, the Eastlake side wing was not much more than a wide full-height bay window – this side wing is referred to as a pavilion.

The Shingle Style of the end of the nineteenth century strove to revive a rustic image loosely based on the rambling vernacular forms of Colonial America, and in particular the sweeping roof forms associated with vernacular architecture. The roof form of the Shingle Style itself often became the primary character defining architectural element, with roofs which appeared to flow from one to another, descending to a low eave line of a verandah. A favorite shape of the Shingle Style was an

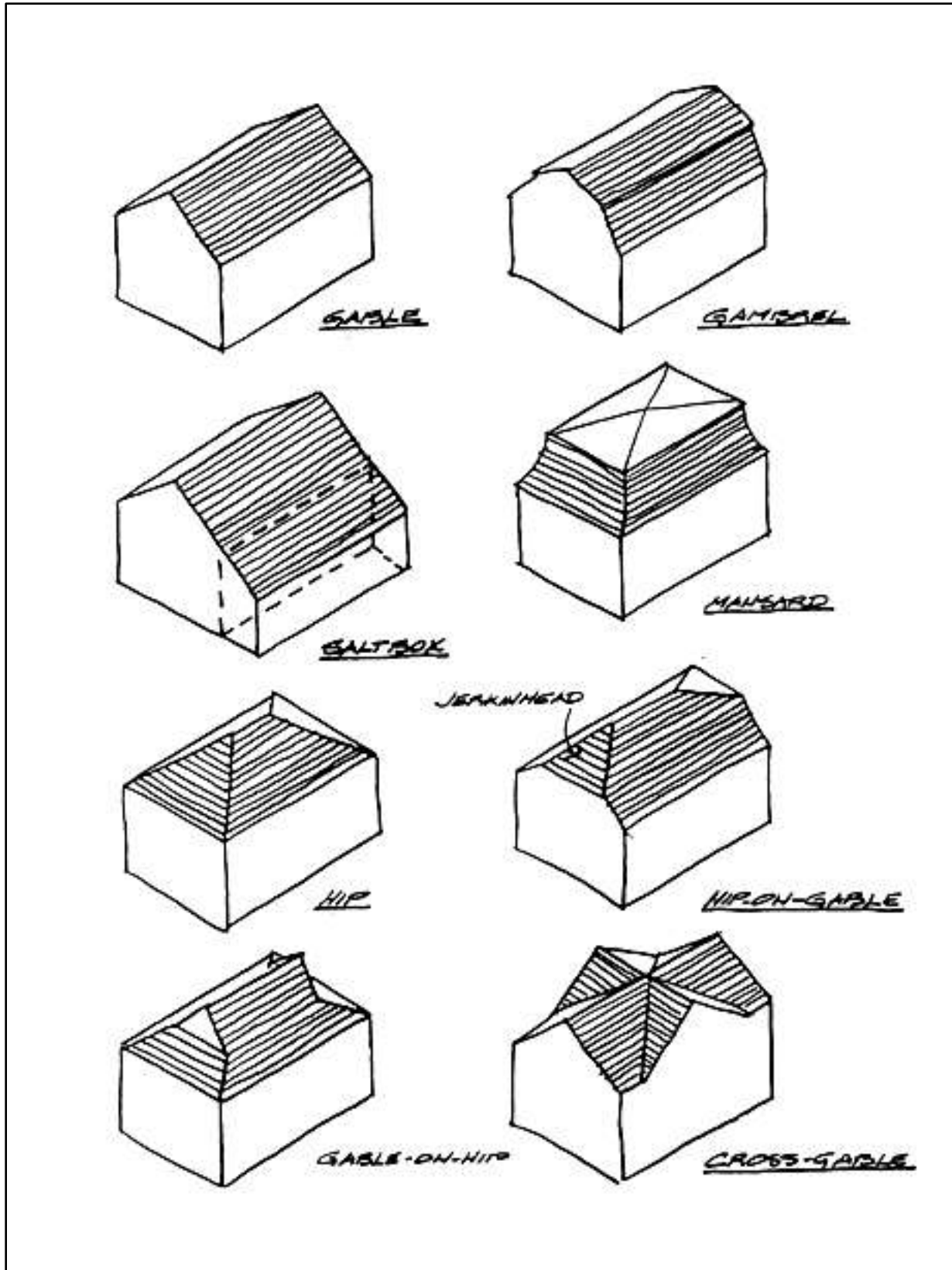
oversized version of the Colonial gambrel form, often with cross-gambrel and other interlocking “vernacular” roof forms.

While the Shingle Style deliberately evoked the vernacular nature of the agrarian Colonial era, with its ad hoc additions, the Colonial Revival style, which was the predominant style of Westport’s turn of the twentieth century residential architecture, revived the classic roof forms of the Georgian and Federal eras. Quite unlike Westport’s own early American architecture, this new Colonial Revival incorporated the prominent features associated with the urban architecture of the English Georgian era, including substantial symmetrically placed neoclassical dormers. Complexity of roof form was achieved through the earlier tradition of additive massing of subordinate wings, while retaining a symmetrical roof mass on a primary building form – this is in sharp contrast to the sophisticated interpenetrating forms of the Shingle Style.

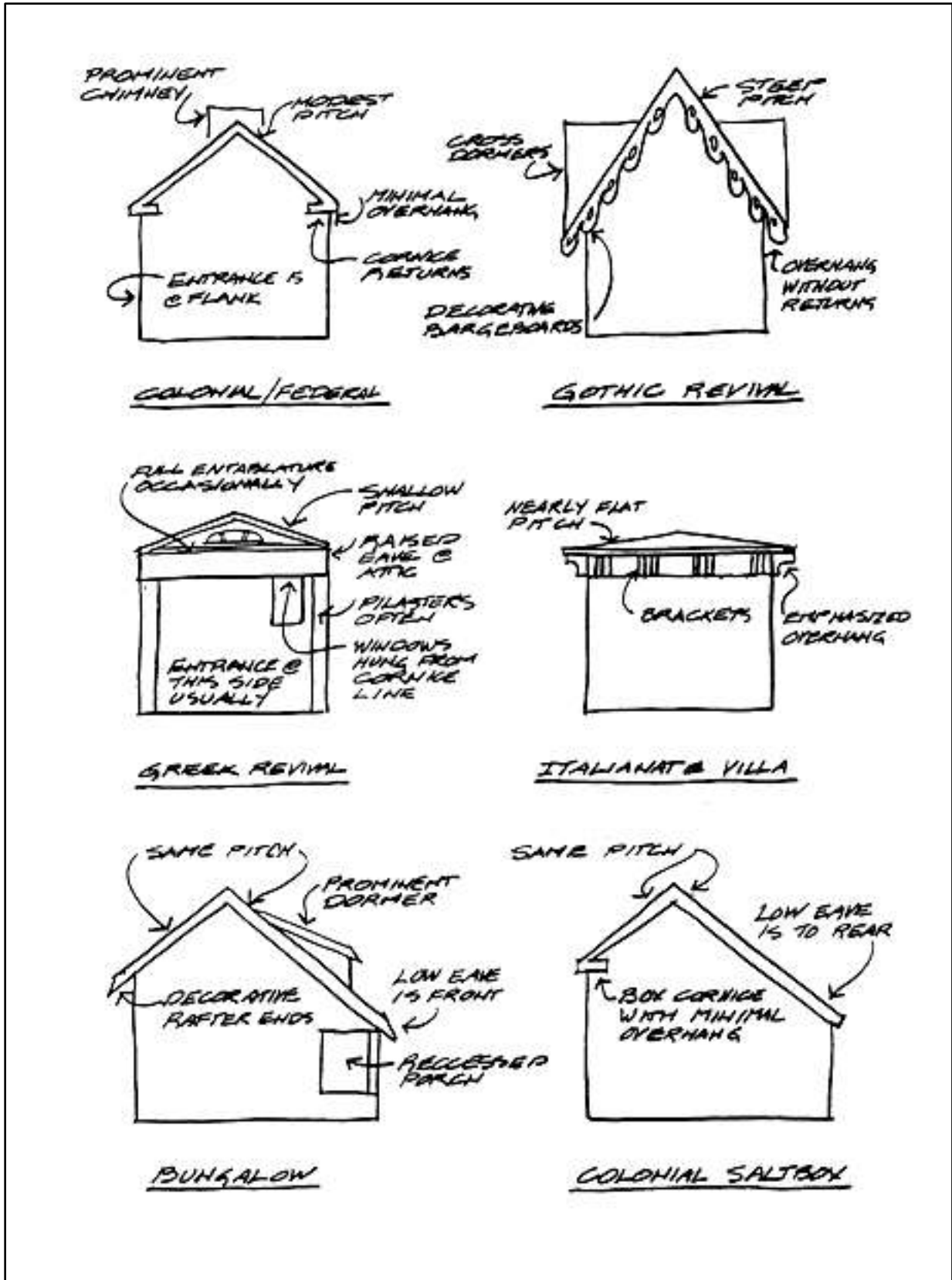
The Craftsman Style bungalows of the early twentieth century returned to the more rustic roof traditions of the Shingle Style, but adapted it to a typical bungalow (a name which derives from colonial India) is characterized by a single gable or hipped roof brought forward over a full width simpler cottage form for the middle class, with a prominent central dormer. The recessed front verandah (another term from Colonial India) became both loggia and verandah. Also associated with the Craftsman Style is the so-called “four-square” house, with a modestly steep pyramidal roof and prominent hipped dormers.

The wealthier early automobile suburbs of Westport of the pre-Depression era saw the emergence of a number of picturesque pseudo-Tudor and medieval houses, which like the Craftsman Style, were in contrast to the Colonial Revival. The so-called Stockbroker Tudor emphasized steep and sometimes flared pitch roofs, with multiple cross gables, dormers, hipped peaks, and the like. Because of the architectural prominence of the roof form, these romantic revivals were roofed with the strong textures of slate or wood shingle.

One final roof form which should be discussed is the flat roof that emerged during the later nineteenth century with the development of Westport’s business districts. Quite unlike the prominent projecting and bracketed flat roof forms of the earlier Italianate era, the commercial flat roof is



Typical Roof Forms



Typical Roof Pitch and Trim

architecturally indistinct and is deliberately hidden behind a parapet which caps a flat facade. The facade itself thus is the character defining feature of Westport's urban commercial architecture – roof form is of no consequence.

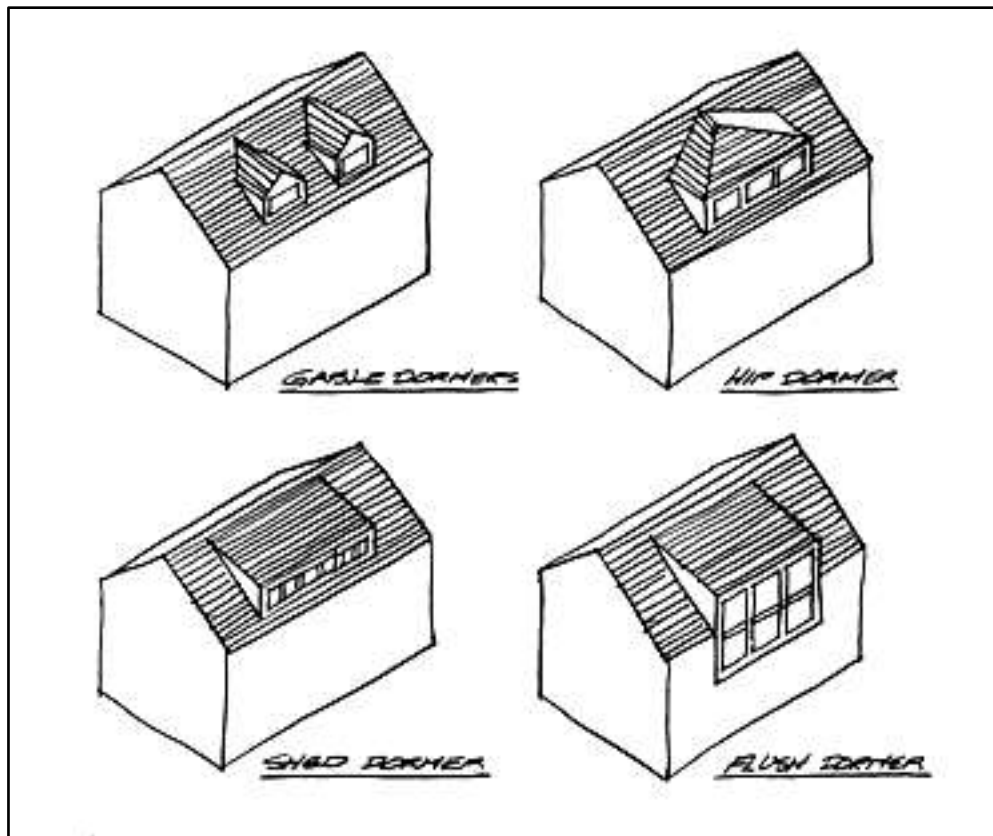
### Dormers

- **Dormers are an appropriate way to utilize upper level space in new construction while keeping the roof profile lower.**
- **The addition of new dormers on existing architecturally significant roof surfaces is discouraged.**
- **If shed dormers are used, they should be clearly subordinate to the primary roof form, and are best used on broad low hung roofs. The roof pitch of any shed dormer should not be less than 4" vertical dimension in 12" horizontal.**
- **Flush dormers that are continuous with a wall below should have prominent fenestration that breaks the eave line of the main roof.**

- **All dormers shall be predominantly fenestrated and shall incorporate minimal wall surfaces other than architectural trim or ornament.**



Dormers were generally not introduced in Westport until the mid-nineteenth century. After the Civil War, dormers became popularized with the mansard roof of the French Second Empire style which, like the Gothic Revival, incorporated a usable attic story behind a steeply pitched roof surface. Mansard dormers however were treated as distinct and usually ornamental features, sometimes with a neoclassical pediment and decorative windows. As gable roof dormers became popularized, many were added to the steep pitches of Westport's earlier capes and gambrel roofs. The gable dormer remained a prominent dormer type through the Queen Anne Revival, and culminated in the elaborate neoclassical gable dormers of the turn of the twentieth century Colonial Revival.



*Typical Dormer Types*

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Hipped roof dormers were popularized first during the Stick and Chateau Styles of the 1870s, for their medieval as compared to neoclassical image, and their use continued through the subsequent and related Queen Anne Revival of the 1880s and 90s. The hipped dormer also was used extensively with the turn of the twentieth century Shingle and Craftsman Styles, and into the era of the so-called Stockbroker Tudor of the 1920s. The hipped dormer allowed both broader horizontal groupings of windows and more attic headroom than did the gable dormer, without overwhelming the scale of the roof with an oversize pedimented gable. The expanded visible roof surface of the hipped dormer also contributed in a decorative way to the roof-oriented massing of Shingle and Craftsman Style architecture. A less common variation of the hipped dormer incorporated a partial gable truncated by a hipped “jerkinhead”, and is associated particularly with the early twentieth century English cottage style.

The shed roof dormer did not emerge as a classic roof form until the early twentieth century, when its use was favored with the low and spreading roof form of the bungalow. Used in this fashion, the shed dormer was clearly secondary to the roof surface around it, and was rarely continuous with a wall plane. The Craftsman Style shed dormer was typically comprised of an exaggerated low profile.

The English cottage revival popularized the flush dormer, where a single and usually large window grouping broke the eave line and was thus as much an extension of the wall plane as it was a discrete roof element. Again, however, the prominence of the main roof form was not lost to the flush cottage dormer. Typically, the flush dormer had a hipped or shed roof, and occasionally a jerkinhead.

### Basement Stories and Foundations

- **The use of high foundation walls and/or raised basement stories is traditional and thus appropriate to many of Westport’s historic village settings.**



High basements came into favor during the Greek Revival era of the middle third of the nineteenth century, and remained popular throughout the subsequent Italianate, Second Empire, and Queen Anne Revival styles of the Victorian era, and into

the Colonial Revival and related neoclassical architecture of turn-of-the-century. The high foundation itself thus became an important architectural element, due in part to the hilly terrain of Westport, and is characteristic of a number of Westport’s nineteenth century historic structures. Like the mansard and gambrel roof, a raised basement story can be a means of increasing building size while maintaining a smaller apparent scale.

### Porches

**Character defining porch details should be preserved on existing historic structures.**

- **New structures are encouraged to continue the tradition of porches, though stylistic detail may be permitted considerable leeway.**
- **Reconstruction of a previously removed porch is encouraged. If photographic documentation of such porch is not available, reconstruction should be typical of the style of the building.**
- **New porch additions to primary facades of historic buildings that did not once have a porch will generally not be permitted if in the public view.**
- **Porch additions to sides of buildings will be considered on a case by case basis.**
- **Rear porch additions not in public view are permitted.**
- **Porch additions to building types which traditionally did not have any should be limited to the rear side of the building.**
- **Glazing an existing open porch is generally inappropriate. Screening may be considered on a case by case basis.**



The Greek Revival style, beginning in the late 1830s, introduced to Westport the first architectural porch – an entrance portico with classical Greek columns and entablature. Occasionally, more elaborate Greek Revival houses had slightly recessed entrances – an innovation. Portico columns were usually of the Doric order, though sometimes Ionic. Sometimes, though rare in Westport, the entrance portico was expanded to include the entire gable end of the structure, in pure temple tradition – such

columns spanned the full two stories to the attic pediment.

The subsequent Italianate style expanded the size of the entrance portico into a true porch, often wrapping around two sides of the building. The Italianate porch typically had square posts, which were sometimes paired, and bracketed eaves. The nearly flat porch roofs, which were deliberately downplayed, were roofed with metal. While visually significant, the Italianate porch was in actuality a simple addition to the main mass of the structure, a horizontal layer which provided both privacy and shade for the often sizable first story windows that opened onto it, and which ceremoniously fronted the street.

The Queen Anne Revival of the 1880s and 1890s continued the tradition of the wrap-around porch, by now referred to as a verandah, and introduced the classical loggia. The loggia, unlike the verandah, was recessed into the main body of the house. The Queen Anne also popularized both projecting and recessed balconies at upper floor levels, which together with the verandahs and loggias of the first floor, and miscellaneous bays and turrets, visually obliterated what was only a half century earlier a simple rectangular building block. The result was the most eclectic architecture typical of Westport's historic neighborhoods.

The Shingle Style, an offshoot of the Queen Anne, simplified the general effect of the high Victorian era in preference of a more rustic tradition. The roof form of the Shingle Style verandah often merged with other roof forms in continuous and picturesque fashion, and downplayed classicizing detail in favor of the rustic. The early twentieth century Craftsman era bungalow, in turn a simplified offshoot of the Shingle Style, extended the main roof over a front porch, as both loggia and verandah.

The early twentieth century in Westport was dominated by the Colonial Revival style, which downplayed the porch as a characteristic defining feature, though the entrance portico often remained. The ensuing Medieval Revival and Arts and Crafts architecture also avoided the porch as an additive element, though it retained the loggia as a subtractive element. The typical neo-Colonial suburban architecture of the post WWII era for the most part lost all association with the porch as a character defining feature.

### Trim and Ornament

- **Existing trim and ornament which is traditional to a structure should be preserved or repaired in like fashion.**
- **Replacement of lost trim and ornament is encouraged. If no photographic documentation exists for existing trim and ornament, reconstruction should be based on sound historic precedence for the particular building type and style. The addition of trim and ornament for which no historic precedence exists is inappropriate.**
- **Additions to existing structures may continue the characteristic trim and ornament of the main structure with discretion. The intent is that the addition be compatible but distinguishable from the original building mass.**
- **New buildings may be permitted rather more freedom of individual ornament, but should not be incongruous with the neighborhood.**
- **Highly elaborate ornament is usually inappropriate for new construction in the historic context.**



While the massing and proportion of a structure's exterior architectural elements may dictate much of the character of an individual building, trim and ornament also play varying roles in defining character and thus appropriate design. In addition to purely decorative applied trim, functional elements such as windows, doors, porch columns, and eaves are often embellished in ornamental fashion characteristic of a particular style.

Ornament might be carved or beaded as molding, it might be paneled with multiple layers of flat stock, it might be sawn from flat stock, it might be turned on a lathe, or it might be eased by sanding from solid stock – such ornament evolved as technology evolved to produce the same. Ornament might also be made up of a combination of any of these. Ornament might reflect motifs suggestive of classical architecture ranging from the Egyptian to the Mayan and may even reflect such unique organic sources as the Ginkgo leaf.

A progression of preferences in the amount and type of ornament, as well as for the symbolic references to be inferred from same, can be seen throughout the

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evolution of architectural styles in Westport. An understanding of stylistically appropriate ornament is basic to appropriate design in the historic context.

Westport's Colonial and Federal era houses are generally reserved in their approach to trim and ornament. These early buildings achieved their architectural style through general building massing and the proportion of windows and entranceway. Typically, Colonial and Federal era trim is carved as molding, and incorporated in various layers as paneling.

With the Greek Revival style, the "gable-ender" type incorporated applied trim to suggest the classical Greek temple form. Corner boards became paneled pilasters, and a broad entablature stretched between the roof eave and window cap. This entablature often wrapped around the attic story of the gable end to form a classical pediment. The Federal era tradition of neoclassical entranceway was continued in the Greek Revival, though now comprised of bolder and applied paneling of flat stock, in lieu of carved molding.

The subsequent Italianate style, which became the predominant style of Westport during the immediate pre- and post-Civil War eras, substituted projecting flat cornices with heavy brackets for the entablatures of the Greek Revival – the Italianate Style is thus also known as "Bracketed". These brackets were cut with a band or scroll saw into curvilinear but flat volute or scroll forms. Roof eaves often had paired brackets, as did porch posts and sometimes window caps. Bracketed hoods covered entranceways when full entrance porches were not provided. Doors and windows often had round top glazing to evoke the classic Roman arch, and both bay windows and porches were introduced for ornamental effect. The French Second Empire Style, not common in Westport, reflects the trim and ornament of the Italianate, except with the addition of elaborately detailed mansard roofs.

The Gothic Revival, also not common in Westport, shares similar romantic traditions with the contemporaneous Italianate style, but is most characterized by the steep pitch of the Gothic roof. The pointed arch is applied to windows, doorways, dormers and roofs. Particularly characteristic of Gothic Revival structures is the often highly ornate and individualistic use of sawn barge boards on the gable end eaves, and the emphasis provided by rustic

vertical board and batten siding, which gave rise to the term "Carpenter Gothic".

During the 1870s, the Stick Style elaborated on the "carpenter" style by highlighting the wood frame structure both on its facade and in the multiple verandahs that surrounded it. Structure itself was thus promoted to an ornamental role, though with its characteristic chalet-like roof forms the Stick Style also continued the Gothic tradition of the picturesque. Indeed, the Stick Style and related chateau styles of the time avoided all obvious neoclassical motifs in favor of the rustic and picturesque. The Stick Style reliance on richly varied patterns and textures of materials would lead directly into the Queen Anne Revival.

The Queen Anne Revival of the 1880s and 1890s represents the peak of eclectic use of Victorian era ornament and trim. Treating all of the building's exterior architectural elements in ornamental fashion, it is not actually possible to isolate trim apart from these features – siding, windows, porches, bay windows, chimneys, etc. The Queen Anne reintroduced classical European motifs but used them in unconventional ways, and in combination with the earlier Stick Style tradition of a varied surface pattern, texture, and notably color. A distinctive ornamental feature of the Queen Anne is the use of columns, posts, and spindles that have been turned on a lathe in ornamental fashion. Turned details characterize many Queen Anne porches and were also used as spindle screens beneath porch eaves and in gable peaks. The use of turned detail originated with the Queen Anne and related Eastlake styles, and its use distinguishes these styles from earlier styles which incorporated primarily sawn detail.

The Shingle Style began a reaction from the apparent excesses of high Victorian ornament and together with the ensuing Craftsman style emphasized more rustic and natural elements. The Shingle Style evoked the vernacular traditions of Colonial America, in deliberate contrast to the neoclassical European traditions of high Colonial architecture. Traditional Japanese post and beam architecture, which stressed simplicity but exquisite craftsmanship was particularly influential, and the bungalows of the early twentieth century often reflect Oriental trellis-like forms in their overhanging eaves, porches, and even car ports.

Finally, Modernist architecture of the twentieth century sought to remove all classical ornament. The building envelope, interior walls, and structure were conceptually separated, with both the freestanding wall and structural column promoted to the status of ornament – joint details between the flat wall planes and structural columns became highly though subtly articulated, a tradition in itself which reflects the influence of classical Japanese architecture. Another characteristic of Modernist architecture is its emphasis on horizontal proportions, a symbolic reference to the open suburban landscape it promoted. In time, Modernist architecture would become divided between camps which on the one hand, in the European tradition, symbolically stressed the technology of machine-like forms and on the other hand, in the tradition of Frank Lloyd Wright, stressed organic relationships to both site and structure.

Recent contemporary architecture has sought once again to incorporate traditional motifs and neoclassical ornament, though in new combinations and often with a play on scale. There is a renewed interest in exploring traditional regional images, and along the New England shoreline much of this has been directed at a revival of the turn of the twentieth century Shingle Style, which itself sought to revive earlier American traditions in a fresh way. The Modernist play between building envelope, walls, and structure also continues in avant-garde architecture, and is seen by some as a welcome relief from the excesses of overscaled ersatz suburban architecture.

### **Entranceways**

- **Character defining entrance details should be preserved on existing historic structures.**
- **Replacement of historic doors is discouraged, as is the addition of aluminum or plastic storm doors. Painted storm doors may be permitted as discussed later in these design guidelines.**
- **Replacement of non-original existing doors should be by historically appropriate type, whether that be a used historic door or a new door of appropriate historic design.**

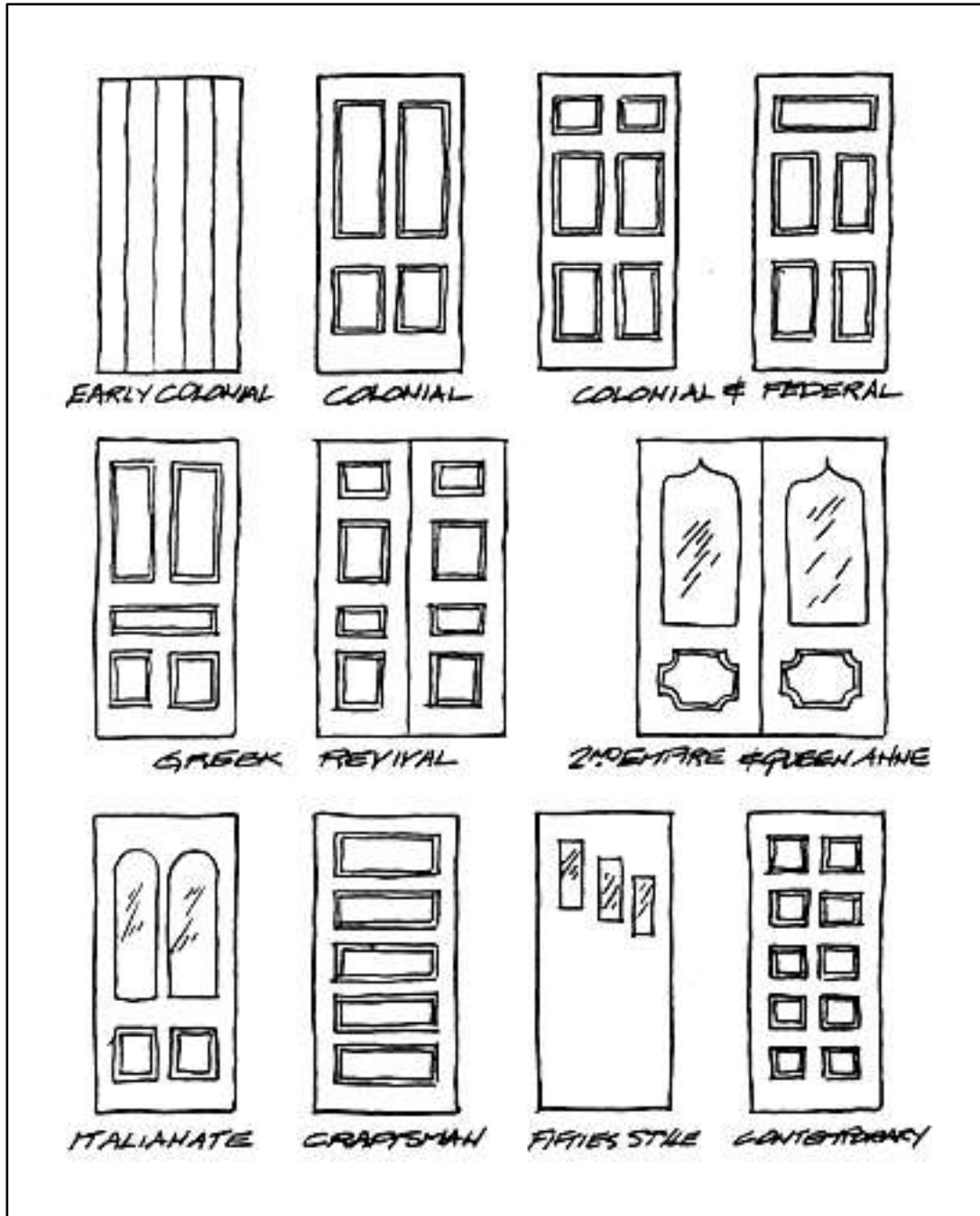


The entranceway was often the primary decorative feature of Colonial and Federal era structures, and its decorative role continued into the later Greek Revival though often then in combination with other decorative facade detail. The entranceway was less important during the Victorian era where it was secondary to the porch. The role of the entranceway as focal architectural feature reemerged with the Colonial Revival of the early twentieth century and has continued with the neo-Colonial suburban architecture of the post-WWII era. On the other hand, Modernist architecture deliberately ignored the entranceway as a feature.

For Colonial and Federal era houses, the doorway was usually located centrally as the focus of a facade, and was given the highest degree of ornamentation. Beginning with the earliest houses of the eighteenth century, one sees a trend to progressively more elaborate doorway surrounds, first with a simple row of transom lights above the door itself, and later with side lights as well. This transition sees a similar evolution from simple flanking trim boards to the more elaborate fluted pilasters which typically flanked the Federal era entrance, supporting a neoclassical entablature across the top. The earliest Colonial doors were made of simple vertical flush boards, but soon evolved into the familiar six-panel type with center rail. Colonial and Federal doors were generally not glazed, limiting glazing to transom and side lights.

Greek Revival structures continued the Federal tradition of side and transom lights, but in gable-ends the entrance was offset to one side, often framed within a pedimented neoclassical facade that comprised the entire gable end of the structure. The flanking pilasters and capping entranceway entablature of the doorway itself were not as delicately ornate as the highest Federal era type but gained impact instead through exaggerated scale. Side pilasters were generally made of wide boards with a raised panel surround. The Greek Revival flat entablature was similarly exaggerated in size, and usually incorporated a heavy projecting cap. The Federal tradition of ornamental muntin patterns for transom and sidelights, as well as attic pediment windows, continued. Greek Revival doors were paneled, though not limited to the 6-panel Colonial type; Greek Revival doors were not usually glazed.





*Typical Door Types*

The Italianate style saw the entrance doorway become secondary to the porch. Italianate doors were usually glazed in lieu of side and transom lights, sometimes with paired round-head windows. More elaborate Italianate houses had both glazed doors and sidelights.

For Westport, the major architectural development of the turn of the twentieth century was the

neoclassical Colonial Revival, which revived the more elaborate Georgian motifs of Colonial and Federal architecture. Thus, we see a return to the neoclassical detail of a central entrance way with pilasters, entablature, side and transom lights, and portico. This new gentrified style emphasized however the more elaborate and ornamental Georgian motifs of English urban architecture, in

distinct contrast to the architecture of Westport's own Colonial and Federal eras.

### **Fire Exits and Access for the Disabled**

- **Where new fixtures for accessibility by the disabled must be added to visible sides of a historic structure, they should be made as discrete as possible by reflecting the characteristic details of the main building.**
- **New ramps for the disabled should be constructed as landscape terraces wherever possible so as to mitigate the visual impact on the architectural massing of the main structure.**
- **Retrofitted exterior fire egress stairs are generally inappropriate, and thus should be concealed from public view. Such stairs will generally be permitted only where no other practical remedial action is available for a building to meet the life safety code.**
- **If unavoidable, exterior fire egress stairs should reflect the quality of finish of the main structure, but need not replicate the stylistic detail of same.**



Retrofitting for accessibility by the disabled and upgrading to current standards of the life safety code are often achieved with difficulty in historic buildings. Note that modifications to the Life Safety and Building Codes may be permitted for historic structures, with respect to both accessibility and fire egress, upon review of the Fire Marshall and Building Official, if it can be shown that suitable alternative access and/or egress can be provided.

### **Decks and Terraces**

- **Deck additions should be located out of the public view wherever possible.**
- **Landscape terraces and patios are encouraged in lieu of deck additions where in the public view.**
- **Decks proposed with new buildings should be visually integrated with the main building mass.**
- **Cantilevered or floating decks are generally inconsistent with these guidelines.**

- **Lattice or similar enclosure of under-deck areas is encouraged where decks cannot be located at grade.**



While porches, verandahs, and terraces are all traditional building elements in Westport's historic districts, contemporary decks have little historic precedence. As such, exterior terraces are always preferred to decks.

### **Windows**

- **The restoration of existing sash, in lieu of replacement, is required wherever feasible. Where not feasible, replacement windows shall replicate the original.**
- **Replacement of true divided lights with snap-in grilles is not acceptable. Grilles permanently adhered to both sides of glass may be permitted upon review.**
- **The addition of storm windows is preferable to replacement of historic sash with insulating glass. Where existing sash cannot be repaired and preserved, replication of sash with insulating glass is acceptable only if the original muntin width can be recreated.**
- **Where window sash must be replaced, replacement windows should be of like material.**
- **Restoration of original windows is encouraged where windows have been removed or where later replacements are historically inappropriate.**
- **The tradition of decorative windows should not be discounted for new construction, but such use must not make pretense to antiquity.**
- **Double hung windows are generally appropriate for use. Window walls, picture windows, and awning and casement windows may be considered on a case by case basis.**
- **Large scale fenestration which becomes greater proportionally than the surrounding wall plane is generally inappropriate within historic districts, with the exception of storefronts and, where appropriate, Modernist additions.**
- **Groupings of double hung windows are preferred to single expanses of picture window**

**glazing, with the exception of storefronts and, where appropriate, Modernist additions.**

- **The addition of bay windows on the primary facades of Colonial, Federal era, and Greek Revival houses is normally inappropriate, though bay windows may be considered for secondary facades.**
- **Windows without historic precedence should not be added to existing primary architectural facades.**



Windows are usually a major factor in the characteristic style and building traditions of a historic district. As styles progressed through history, windows became both larger and more frequent. In time, windows also became decorative in their own right. By the middle of the nineteenth century, windows were grouped into bay windows, and by the end of the century into horizontal window bands – the origin of the Modernist ribbon window.

Westport's earlier historic houses almost always had windows which were "double hung" with a pair of vertically sliding sash windows. These sash windows in turn were made up of multiple smaller panes of glass, separated by muntins. In general, the earlier date of the window, the more the number of panes that are found in a sash. Double hung windows are referred to according to the number of panes per sash – 8-over-12 and 12-over-12 double hung windows for instance are characteristic of the Colonial and Federal era. By the time of the Greek Revival, larger panes of glass could be produced, and one sees for the first time 6-over-6 windows and, by the Italianate and Second Empire Styles of the immediate pre- and post-Civil War era, 2-over-2 windows.

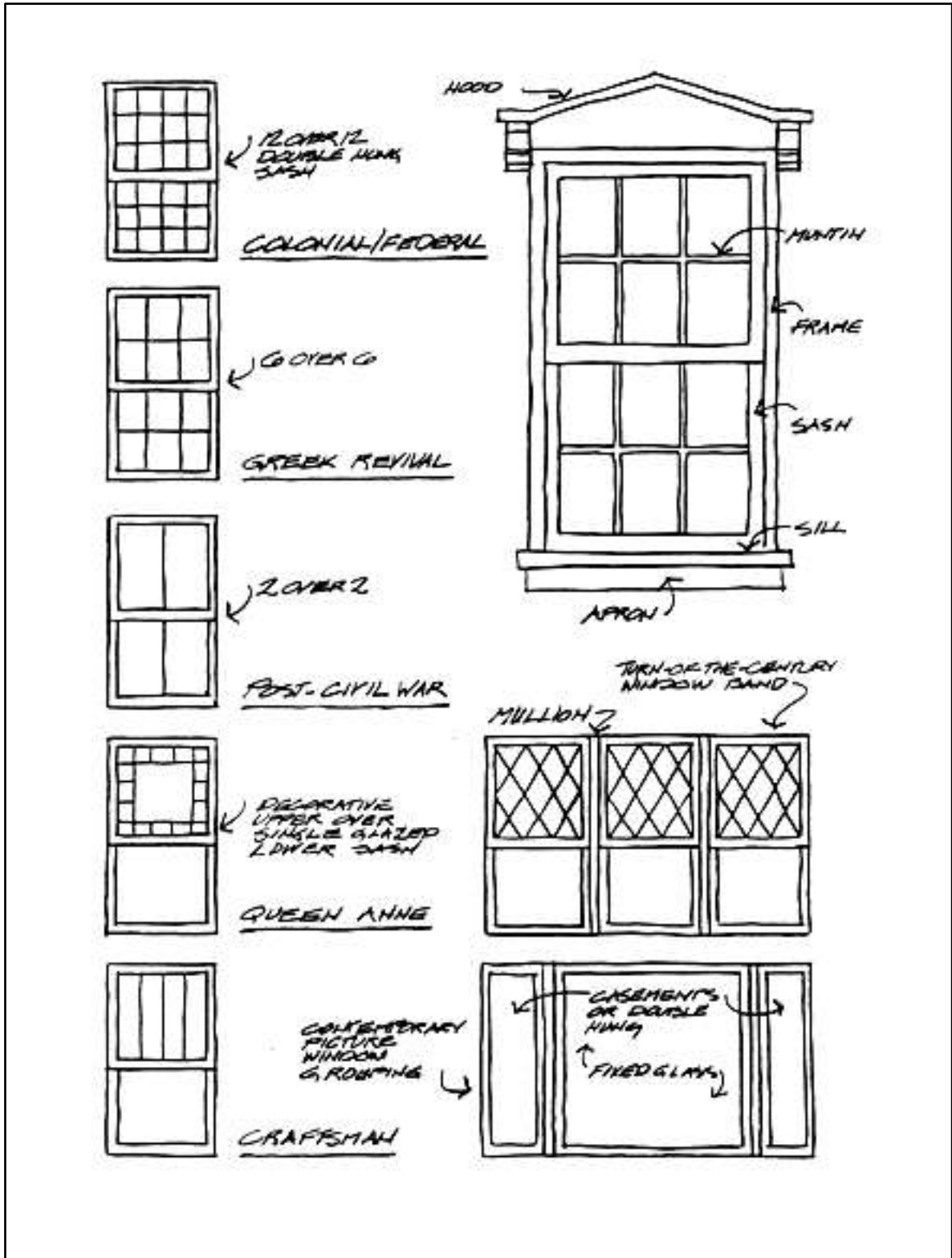
The proportion, rhythm, and relative symmetry of entrance and fenestration are the basic design elements of Colonial and Federal era architecture. These early houses were generally symmetrically composed, most often with a central entrance and two windows to either side – what is referred to as 5-bay fenestration. The five bays of the facade were not evenly spaced; instead each pair of flanking windows was grouped more closely together, so that a rhythm was established between the paired

window groupings and the central entrance. This served to emphasize the entrance, which in turn received the most attention as to detail. A second floor reflected the same symmetry, except that a central window was located above the entrance – in more elaborate Federal houses, this second floor central window might be embellished in Palladian format. Front windows were of a consistent size, though second floor windows might be slightly shorter than at the first floor, as for instance with 8-over-12 windows above 12-over-12 windows.

While the symmetry of the Colonial and Federal era house facade was ideally perfect, it often was distorted to accommodate practical considerations of plan and siting – however, these houses typically achieve a balance in proportion which is characteristic of the neoclassical ideal of symmetry. The sides and rear of Colonial and Federal era buildings were considered to be of less formal importance, and consequently windows on these secondary facades were often placed in ad hoc fashion as needed in plan.

When the Greek Revival turned the gable end to the street as the main facade, strict proportional design traditions were also transferred to the gable end facade. However, the spacing of windows and entrance of such gable-enders is usually only 3-bay wide and the side hall floor plan of the style required the entrance to be placed off center. This asymmetry was downplayed by framing both windows and entrance within a yet larger neoclassical composition of attic story pediment and corner pilasters covering the entire gable end facade. Moreover, many Greek Revival gable-enders incorporated an original side wing on the entrance side, which lent balance to the entire composition. As with earlier styles, front windows were of a consistent size, while the secondary facades were fenestrated more casually.

The Victorian styles dictated more elaborate patterns, and double hung windows of this era commonly had an upper sash with multiple panes set in decorative patterns, in counterpoint to a single paned lower sash. To this end, the so-called Queen Anne Window was comprised of a decorative upper sash of a single large pane surrounded by small square panes, and a lower sash of single glazing.



Typical Window Types

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Similarly, the Shingle Style sometimes incorporated diamond panes in the upper sash. With the ensuing Craftsman Style of the early twentieth century, the upper sash might simply be comprised of multiple vertical muntins without horizontals; again the lower sash would have been of a single or double pane.

A characteristic of windows up to and just after the Civil War had been that of consistent size throughout the main facades. However, with the emergence of eclectic tastes and complex architecture of the Victorian era, windows began to vary considerably in size, even within a common facade. The use of diverse and distinct windows continued as a characteristic of the Shingle Style, which deliberately scattered different window types within the stylistically dominant and continuous wall and roof surfaces of that style. The 1920s eclectic revivals continued the romantic ad hoc placement of windows in pseudo-Medieval fashion. However, the Colonial Revival revived the more conservative tradition of fenestration consistent in both size and placement.

The bay window that began with the Italianate Style prior to the Civil War was the first break from the traditional Colonial and Federal era fenestration pattern of symmetrically spaced individual windows. The bay window grouped windows side by side and turned corners, allowing considerable openness to the outside. However, bay windows were always comprised of double hung windows, and the bay windows themselves were treated as a single architectural entity located on an otherwise solid wall – thus, the traditional proportion of glazing to wall surface was disrupted only at the projecting bay. It is noteworthy that a number of earlier houses were updated during the Italianate and subsequent Victorian era with the addition of such bay windows, and the resultant marriage of styles is often interesting in its own right.

By the turn of the twentieth century, double hung windows were often grouped into horizontal groups and even window bands. Again, the windows were treated as a single albeit larger architectural element. Generally window bands were incorporated within different patterns of still larger areas of textured wall surfaces.

Decorative windows, with ornate panes and/or unusual groupings were generally used in limited ways in Westport's historic districts. The first decorative window popularized was the Palladian

window over the central entrance of a Federal era house, though such elaborate fenestration is rare in Westport. The gable end of the attic story of a Federal era house sometimes had a centered elliptical or triangular window with elaborately patterned muntins. The tradition of a decorative pediment window was elaborated upon during the Greek Revival era.

The Italianate style was the first to stylize primary windows purely for picturesque effect. Typically, Italianate double hung windows are proportioned tall and narrow, and this effect was sometimes exaggerated by breaking a window into a pair of even narrower 1-over-1 windows. The Italianate Style introduced the pairing of windows, which is a characteristic of that style. Some Italianate windows had round top glazing, reflecting the arch of the Italian Renaissance. The French Second Empire Style continued the Italianate tradition of fenestration but, with the addition of dormers, often included elaborate round-head or similarly ornate dormer windows. Both the Italianate and French Second Empire Style incorporated elliptical windows in unusual spaces, such as at stair landings or in tight corners. During the Gothic Revival which emerged alongside the Italianate, windows with pointed arches and interlocking arched panes were popularized, but this style is very rare in town.

Decorative windows of the later nineteenth century departed from the picturesque shapes of the Italianate and Gothic Revivals and instead favored the use of decorative multiple panes, often in multiple window groupings. These groupings could become quite complex and eclectic and were incorporated into bays, oriel windows, towers, turrets, and conservatories. The turn of the twentieth century saw a return to more traditional and reserved windows, as this was consistent with both the neoclassical ideals of the Colonial Revival and the more progressive and organic ideals of the Arts and Crafts movement. The Modernist movement did away with decorative windows all together, treating fenestration as yet another wall panel.

### Shutters

- **Shutters are appropriate on Italianate and Second Empire houses of the mid-century and may be appropriate for Shingle Style and turn of the twentieth century Colonial Revival**

houses. They are generally not appropriate for Colonial and Federal houses.

- Paired shutters should flank a single window and should be sized so that they each are just wider than one half the width of the window frame.



Shutters are a characteristic building tradition of the mid-nineteenth century architecture of Westport's maritime villages and country hamlets and the use of the same is not discouraged where appropriate for both existing and new structures. However, Colonial and Federal era houses did not typically have exterior shutters, nor did the Queen Anne Revival of the later nineteenth century. Shutters are thus appropriate on Italianate and Second Empire houses of the mid-century and may be appropriate for Shingle Style and turn of the twentieth century Colonial Revival houses.

Shutters should appear to be functional. Ersatz decorative installations typical of later twentieth century neo-Colonial residences that flank a picture window, yet could not cover that window if closed, are not acceptable.

### Storm Doors and Windows

- Storms should have painted or suitably clad frames and sash, without exposed metallic surfaces – color should match that of the window sash or door panel.
- Existing wood storms should be retained wherever practical.
- Storm doors should be simple and as discrete as possible so as to minimize distraction from the main door. Traditional Colonial storm-doors of unglazed solid vertical planking are often appropriate for earlier house types.



Because of concerns for energy conservation, storm windows and screens may be permitted upon review by the HDC, if they do not damage existing historic window or door detail.

### Skylights

- The addition of skylights is discouraged from architecturally significant roof surfaces. Skylights generally should not be visible from

public view and, where they are visible, should be as small as practical.

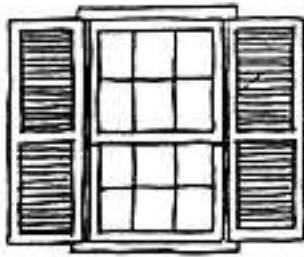
- Skylights should have flat glazing and minimal curbs.
- Skylights associated with sunrooms and conservatories will be considered on a case by case basis.



Skylights are not a traditional building element and thus the addition of skylights to an historic structure is discouraged from any architecturally significant roof surface that is in public view. Dormers are usually preferred to skylights for new construction. However, skylights may be preferable to dormers for existing buildings as less intrusive on the scale and massing of that building. Because of both the opportunities and problems associated with skylights, the HDC reserves considerable discretion in reviewing the same.

### Chimneys

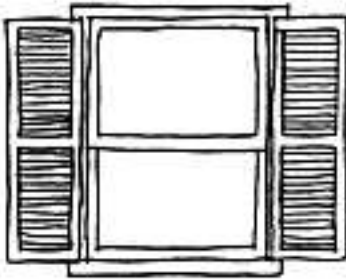
- New chimneys should be appropriately massed and located in proportion to the massing of the house itself, and in particular to the massing of the roof – simple but substantial chimneys for traditional Colonial massing, discrete chimneys for Greek Revival and Italianate massing, and more elaborate chimneys for later and more picturesque styles.
- Elaborately ornate chimneys are generally not appropriate, though discretion is allowed upon review by the HDC.
- Exposed chimney surfaces that are incorporated in decorative fashion into exterior wall surfaces may be appropriate to later Victorian and early twentieth century suburban neighborhoods. Otherwise, chimneys which are projected from an exterior wall are generally inappropriate.
- Visible prefabricated metal chimneys are generally inappropriate for residences, but may be appropriate to non-residential vernacular structures.
- The HDC encourages the restoration and maintenance of original chimneys, in lieu of replacement.



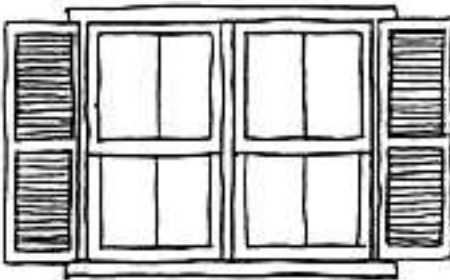
APPROPRIATELY SIZED SHUTTERS COMPLETELY COVER WINDOW IN CLOSED POSITION.

NOTE THAT SHUTTERS WERE NOT USED UNTIL AFTER MID-19TH CENTURY

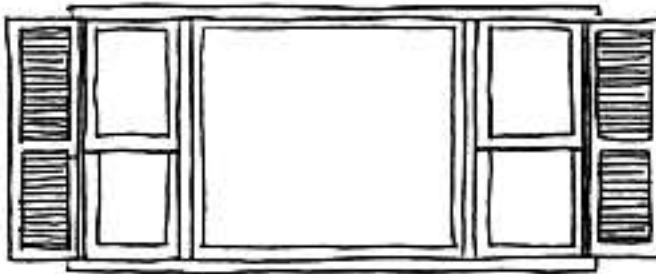
APPROPRIATE



SHUTTERS ARE TOO NARROW.



ANOTHER COMMON EXAMPLE OF IMPROPER USE OF SHUTTERS.



ERSATZ USE OF SHUTTERS IS ENTIRELY INAPPROPRIATE.

NOT APPROPRIATE FOR HISTORIC BLDGS.

Shutters

- **Repair and maintenance of any chimney surface in public view requires HDC review and approval vis-à-vis grout material, grout color, tooling style of grout joint, brick color and type, and bond pattern.**



Chimney form was an important characteristic of all structures prior to the Greek Revival era, and again gained symbolic importance during the late nineteenth century. Westport's earliest houses had a large central chimney of fieldstone or brick, with often three flues to separate fireplaces – this chimney would be at least 3' square and could be more than 5' square. After the Revolutionary War, a more formal house plan emerged with a central hall through the house. This in turn dictated paired chimneys, each about 2' to 3' square in size, that were symmetrically located to either side of the hall.

With the favored lower roof pitches of the Greek Revival and Italianate styles, which emphasized the main building mass and deliberately downplayed the chimney mass, chimneys became secondary elements, small in stature and often located in ad hoc fashion. Chimneys ceased to be a character-defining element for these styles.

Later in the nineteenth century, the high Victorian styles with their more steeply pitched roofs included elaborately detailed and often massive chimneys as part of the eclectic patterning, massing, and textures associated with that era. Highly textured and prominent chimneys were also a common element of the Stockbroker Tudor and Arts and Crafts houses associated with the early automobile suburb.

The neoclassical use of formal and symmetrically placed brick chimneys is an important character defining element of the Colonial Revival style popularized during the turn of the twentieth century.

Note that in maintaining and repairing old chimneys, that old mortar was both more flexible and more porous than modern types. Historic mortars permitted the transfer of moisture and allowed for expansion and contraction without damage to the brick. Repointing with modern Portland cement mortars can cause the failure of the entire masonry assembly.

### **Roofing**

- **Restoration of historic roofing materials is encouraged where practical.**

- **New construction is encouraged to utilize the traditional materials characteristic of a neighborhood.**
- **Cedar shingle roofing with a course exposure of generally no more than 5" is appropriate for most pitched roofs, and its use is encouraged. Rough hewn cedar shakes are, however, generally inappropriate in village settings.**
- **Asphalt shingle may be acceptable as a practical alternative to wood shingle. Note that the color and texture of asphalt shingle is regulated under the historic district – a weathered wood tone of warm gray and emphasized shadow line is the best current replacement if wood shingle cannot be used practically. Asphalt shingle is discouraged where the historic roofing is an important decorative feature, such as on a Mansard roof or Shingle Style structure.**
- **The preservation of existing slate roofs is encouraged and only under unusual practical difficulty will replacement by other materials be permitted.**
- **The new use of clay and concrete roof tiles should be limited to properties where existing structures are so roofed.**
- **Metal roofing may be appropriate in certain occasions – for porches and other shallow pitch and flat roofs, and for some “working” buildings such as marine sheds and other outbuildings.**
- **Flat roofs, unless visible from the public way, may incorporate any roofing material.**



Most of Westport's historic houses had cedar shingle roofs originally, though some of the nearly flat roofs of the mid-nineteenth century had metal roofing, as did many of the shallow pitched porches of that same time. A few more elaborate buildings of the late nineteenth and early twentieth centuries had slate roofs.

In contrast, the mansard roofing shingle itself became a deliberately decorative element, incorporating patterned wood or slate roofing. Mansard roofing shingle was sometimes laid in three bands, with a central band of scalloped or diamond shaped shingle, flanked above and below with



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square cut shingle. Slate mansards also introduced alternating colored bands of gray and red slate.

Red cedar shingle was always the choice for the Shingle Style, and was continued as the exterior siding material for walls – roof and wall surfaces thus appeared to merge.

The built-up flat roofing of Westport's business districts was never intended to be seen, and is thus of minor consequence to the architectural design of such commercial edifices.

### Siding and Masonry

- **Additions and alterations to existing structures should utilize the type of siding materials original to that structure**
- **New construction should generally incorporate building materials traditional to its neighborhood.**
- **The use of aluminum and vinyl siding is generally not permitted.**
- **Brick should generally be limited to commercial districts, and to the occasional suburban area with a tradition of Tudor Revival or Arts and Crafts architecture.**
- **Stone and stucco should be limited generally to the Tudor and Mediterranean Revivals and to the Arts and Crafts style.**
- **Repair and incidental replacement of siding will generally be permitted so long as such repair and replacement does not alter the historic appearance of such siding. Replacement materials must match the color, texture, shape, and pattern of existing portions.**
- **Repair and maintenance of masonry requires HDC review and approval vis-à-vis grout material, grout color, tooling style of grout joint, brick color and type, and bond pattern.**



Wood clapboard was the predominant siding material throughout Westport's Colonial era, though cedar shingle sometimes may have been used on "secondary" wall surfaces, as well as on outbuildings. In the very earliest of these houses this clapboard may have been allowed to weather naturally, but later houses would have been painted. Clapboard material itself was usually pine or cedar –

quarter sawn edge grain clapboard was preferred for its resistance to checking and cupping. Colonial clapboard spacing was often quite narrow, typically with an exposure of 3-1/2". In more elaborate houses of the subsequent Federal era, the clapboard may have been embellished with a routed bead along its base.

Flush wood planking, either horizontally or vertically placed, was popularized during the Greek Revival, which considered the smooth surface to be properly classical. Flush siding was also consistent with the wider and simpler detail of that style, and avoided the horizontal proportions emphasized by clapboard. Such flush planking was often limited to a primary facade.

The earliest shingle used would have been of the white cedar that was once common in New England, before its overuse. White cedar can be distinguished by its natural gray weathered color, in contrast to the darker and browner color of the western red cedar which became popularized in Westport late in the nineteenth century. The so-called Shingle Style of that time came to dominate the resort architecture of the coastal Northeast from Cape May to Maine, though it is less common in Westport. Roof and walls alike often were shingled to form an apparent integral flowing surface. For similar effect, Shingle Style architects could create curved wall and roof forms with wood shingle. The preference for red cedar shingle for both siding and roofing continued through the subsequent Craftsman style associated in particular with the bungalows of the first quarter of the twentieth century. Note that many earlier historic houses may have later wood shingle, which has been applied over or as a replacement for original clapboard or flush boarding.

In recent years, it has become popular to use the traditional white cedar of the Colonial era for walls in combination with the darker and more weather tight red cedar for roofs, which emphasizes the separate planes of wall and roof. Red cedar shingle generally has superior resistance than white cedar to both checking and coupling, though both can be left unfinished. Wood shingle is traditionally placed at about a 5" exposure, though the bungalows of the Craftsman era commonly paired shingle courses vertically so that a narrow exposure alternated with a wider one, thus emphasizing the horizontal proportion and massing typical of the style.

A unique use of both clapboard and decoratively shaped wood shingle emerged during the Victorian era of the last quarter of the nineteenth century, as part of an overall aesthetic which incorporated a number of different patterns and textures. This practice characterizes the so-called Queen Anne Revival style which, because of its elaborateness, is considered to be the culmination of high Victorian architecture. The simpler Eastlake adaptation of this style, along with the Shingle Style, also incorporated a more restrained variety of wall surface pattern. Usually, clapboard and patterned shingle would be placed in distinct horizontal bands, delineating one story from the other, or an attic gable end pediment from the wall below, or to continue the horizontal line of an apparent window band. Horizontal banding continued in fashion well into the twentieth century and is associated particularly with the Prairie Style of the Midwest, and subsequent Modernist era.

Brick as a siding is limited to turn-of-the-century commercial and institutional buildings, and to the Tudor Revival and Arts and Crafts houses of the early automobile suburb. Stone and stucco are also associated with the half timbering typical of the Tudor Revival, as well as with the Arts and Crafts style.

A few early stone buildings exist – mostly early utilitarian and rural structures – but, except for raised basement stories, stone is not a characteristic siding material of any of Westport's early historic districts. Stone, however, was a popular component of the Tudor Revival and Arts and Crafts suburban houses erected in the early twentieth century.

The repair and maintenance of any masonry surface is regulated by the HDC because of the sensitive nature of such repairs. Note that in maintaining and repairing masonry that old mortar was both more flexible and more porous than modern types. Historic mortars permitted the transfer of moisture and allowed for expansion and contraction without damage to the brick. Repointing with modern Portland cement mortars can cause the failure of an entire masonry assembly.

### **Painting**

- **The method of any proposed substantial removal of paint to bare surface is regulated and requires the approval of the HDC.**
- **Painting of any previously unpainted surfaces such as masonry or wood shingle is**

**discouraged and requires the approval of the HDC.**

- **Sandblasting of wood is usually not permitted. When allowed, sandblasting must utilize only fine grain abrasives.**
- **Sandblasting of brick is generally not permitted.**



Routine repainting is not regulated by the HDC. However, because complete paint stripping can seriously damage a wood or masonry surface, the method of any proposed substantial removal of paint to bare surface is regulated and must be submitted for a Certificate of Appropriateness. Similarly, the painting of any previously unpainted surfaces such as masonry or wood shingle is discouraged and requires the prior approval of the HDC.

Sandblasting is usually not permitted. When allowed, sandblasting must utilize only fine grain abrasives. Only experienced renovation paint contractors should attempt such removal because of the danger of shredding the grain of the wood. Sandblasting of brick is particularly problematic, as this destroys the integrity of both the fired surface of the brick and tooled grout line.

Chemical stripping may be permissible, but requires the use of an experienced renovation paint contractor as harsh chemicals can damage the wood grain surface. Chemical stripping of masonry surfaces is often the only acceptable method, but again care must be taken with the use of harsh chemicals.

In general, it is preferable from a historic point of view to allow well adhered paint to remain, as this is part of the history of the building. Should complete removal be planned, the property owner is encouraged to preserve paint chip samples for historic color analysis – usually the best sample will come from protected areas such as under porches or eaves, and out of sun and inclement weather. For a fee, the Society for Preservation of New England Antiquities can provide laboratory color analysis from such paint chips.

Sanding and removal of paint on historic structures is now largely controlled by lead abatement laws. For complete regulations regarding lead abatement, one should consult the office of the Building Official.

### Color

- **Color that is integral to any proposed unpainted construction material is regulated by the historic district. Such materials may include brick, aluminum and vinyl siding, clad windows, asphalt roof shingle, as well as natural materials that are customarily left to weather without paint, such as white and red cedar shingle.**
- **Paint color is not regulated by the HDC. However, requests as to historically accurate colors are often directed to the HDC, so the following discussion of historic paint colors is presented for the advice of the reader – such colors however are not required.**



Different philosophies can be brought to appropriate color selection. One is a preference for painting a building in colors appropriate to its original era. Another says that a neighborhood as a whole is always being updated, and that paint color should reflect that neighborhood. In the latter case, for example, many Colonial houses were painted white during the Greek Revival era, and that tradition emerged again after World War II, as is seen for instance in the predominantly white color of Westport's countryside. On the other hand, individual architectural styles may be better revealed by returning to historically original colors. Painting a building lighter than original can greatly impact upon its apparent scale. Painting a building monochromatically hides the existence of often richly patterned and textured building elements. In recent years, the trend in historic districts has been to revive colors appropriate to the individual building, allowing a district to display a rich and sometimes eclectic diversity of color, though at the cost of the easier unity of all white.

The very earliest Colonial structures in town were probably not painted at all but instead were allowed to weather naturally. However, by the early eighteenth century structures were usually painted, though paint colors were limited by the available technology of the times. Typically, Colonial era houses were painted dark red, dull gray, or brown. Colonial trim would have been painted the same color as the siding. During the Federal era following the American Revolution, houses retained the monochromatic color schemes of the Colonial era,

but by now used an expanded color palette of dark greens, mustard yellows, and gray blues, in addition to the traditional dark red of the Colonial era.

White paint was perfected during the early nineteenth century and was popularized as the “correct” color for Greek Revival architecture. Greek Revival structures remained monochromatic, that is without separate trim colors. During this time, a number of earlier Colonial and Federal era structures were “updated” to the Greek Revival white color – this is the source of the common misconception that Colonial structures were white. It should be noted that the white color was really off-white – a pale gray or sand color – as today's pure white was not yet possible to produce. Moreover, the off-whites of the Greek Revival represented what was perceived to be a proper reflection of classical stone construction. Only with the development of the Colonial Revival style did the prevalent bright white of today's villages and countryside emerge.

The Italianate and Gothic Revival structures of the pre-Civil War era were a stylistic reaction to what was considered the stark monumentality of the Greek Revival. Deliberately rustic in spirit, this new architecture moralized about the appropriateness of earth tones, and in particularly the stone-like tones of taupe, ivory, warm and cool grays, and slate-like reds and blues. Sand was sometimes added to paint to imitate stone texture. Unlike the Greek Revival which strode to stand out against the background, these new romantic styles attempted to blend into the natural setting. Indeed, the naturalized setting was itself a reaction from the urbane forms of the Greek Revival. This was also the first period to popularize the painting of trim and siding different colors. Generally, a darker and lighter tone of a single basic hue was utilized – taupe and ivory for instance. Usually, trim color was the lighter of the two, though there are examples where the opposite was true. Only one color would have been used on trim, with the exception that shutters were usually a third and very dark color – often green or black.

The French Second Empire Style of the immediate post-Civil War era at first continued the Italianate color traditions, but soon and in conjunction with the more elaborate decorative notions of high Victorian architecture, complex multiple color schemes came to dominate. Preferred colors were still earth-tones, but these were expanded to include the warmer tones of drab green, warm brown, mustard, ochre, and

even plum. Two primary colors were still chosen, but now they often were complementary on the color wheel. In contrast to the previous tranquil harmony of two tones of the same hue, a more vibrant use of opposing colors was preferred. Thus, one might see drab green with an ochre red or plum. These two colors formed the background for sometimes several other colors which highlighted more elaborate detailing and smaller features of the house – these detail colors were generally brighter and purer colors than the two predominant but more subdued field colors. In America, polychromatic color schemes reached their peak of popularity during the eclectic Queen Anne Revival era – these are the so-called “painted ladies”.

The Arts and Crafts movement of the turn of the twentieth century saw a return to the more organic and rustic color preferences of the pre-Civil War era, though generally darker in nature. More important, however, was the emergence of a preference for natural materials – wood shingle on the exterior and wood paneling on the interior. Locally, this is reflected in the Shingle Style and later in Craftsman Style bungalows. Red cedar was allowed to weather to its natural dark brown state. Trim was painted a single dark color – most commonly dark green or red, and sometimes blue; Craftsman buildings added salmon and mustard tones to this palette. The preference for natural materials and colors continued through the many eclectic revivals of the 1920s commonly referred to as Stockbroker Tudor, and through the Prairie School of Frank Lloyd Wright and his subsequent Broad Acre City ideals, which in turn greatly influenced suburban architecture well into the Fifties. White was never considered an appropriate color during this evolution from the rustic to the progressive organic ideal in architecture.

Simultaneous to the turn of the twentieth century evolution of the Shingle and Craftsman Styles was the revival of the perceived neoclassical traditions of American Colonial architecture. The more neoclassical of these structures diverged from the Shingle Style by returning to the Federal era colors of reds, yellows, and blues – though all now purer in color than was possible during Colonial times. More typically, however, Colonial Revival houses were painted white. This revival of white as a preferred color reflected neoclassical ideals more than Colonial ones. With the emergence in Europe during the Twenties of the International Style, white became the color of choice of much Modernist

architecture as well, and its popularity continues today.

### Building & Site Utilities

- **Solar panels may be placed on a street facing only when there is no reasonable alternative. Solar panels should be low profile and set flush to the adjacent roof surface, with piping concealed.**
- **Wind generators should be located remote from the main portion of a historic building wherever possible.**
- **Permanently installed air conditioner equipment must be placed out of public view wherever possible.**
- **Seasonal window-installed air conditioning units should be removed during the off season.**
- **Above-ground fuel tanks should be placed out of public view. Fueling inlets and related vents shall be placed as discretely as possible.**
- **Electric meters shall be placed as discretely as possible. Electronic reading of concealed meters is preferred.**
- **Plumbing roof vents shall be located out of public view wherever practical.**
- **Electrical and telecommunication wires should be placed below grade where practical.**



Utility structures which are not traditional to a building or to the general historic context should be concealed from view wherever possible. This includes, but is not necessarily limited to, utility wiring, alternative energy fixtures, and antennae. Prefabricated structures such as coolers are regulated as additions under these regulations, and must comply with design guidelines for any addition.

### Outbuildings

- **An existing historic outbuilding should be preserved and adapted to current needs wherever possible, in lieu of replacing the same with a new structure.**
- **New accessory outbuildings may be afforded a reasonable freedom of expression as allowed for new principal buildings. Appropriate outbuilding design might reflect the style of**

**the principal building that it is accessory to, or it might reflect a vernacular building tradition of the community. Another characteristic tradition is the design of accessory outbuildings as a visual counterpoint to the principal structure – using rustic board and batten or cedar shingle siding for instance in contrast to the more formal clapboard of a principal building.**

- **Accessory outbuildings should be located to minimize their visual impact on the public view. Generally, it is preferable to locate an accessory structure to the rear of a building. The location of new outbuildings however should reflect the characteristic rhythm of the street, which may include other historic outbuildings. New outbuildings which overwhelm the scale of adjacent historic buildings or which block significant public views generally will be found inappropriate.**
- **Where automobile garages are often out of character, it is suggested that the garage door facade be turned away from public view, thereby presenting a more traditional vernacular facade to the street. Garage doors themselves are encouraged to reflect characteristic shed or carriage house door types that may exist in a district.**
- **Traditional trellises, arbors, and pergolas will usually be permitted where they do not unduly obstruct significant architectural features of the historic context. Gazebos may also be appropriate if properly scaled to the principal buildings. Such structures however are usually inappropriate if located in front yards.**



Historic outbuildings, such as barns, sheds, greenhouses, carriage houses, and even garages are all considered contributing elements to a historic district, and for Westport's rural districts may themselves be fundamental to the integrity of a district. Consequently, historic outbuildings are afforded the same protection under these guidelines as are principal buildings, and it is the intention of these guidelines to promote the preservation of existing historic outbuildings wherever practical.

Conversely, the demand for garages where the automobile was not originally traditional can have considerable impact on a historic district. Other

outbuildings which may impact upon the historic context range from ersatz residential gazebos and arbors to public bandstands and even bus and parking control shelters.

It is not the intention of these guidelines to discourage the construction of outbuildings, but instead to guide their character so as to mitigate adverse impact. Indeed, a new accessory shed or gazebo may afford a property owner needed expanded space without necessitating what otherwise might be an inappropriate addition to a historic structure. For the same reason, a new freestanding garage structure may be preferable to one that is attached to a historic structure. Again, it is not the intention of these guidelines to overly restrict the character of new accessory outbuildings, so long as they are not incongruous with the scale and characteristic style of its environs.

Note that where the historic context is characterized by a vernacular tradition of outbuildings, the local vernacular associated with these outbuildings may often be appropriately applied to new principal buildings.

### **Waterfront Structures**

- **The preservation and repair of historic waterfront structures is encouraged wherever practical – this includes wharves, bridges, dams, mill ponds, bulkheads, etc.**
- **New waterfront structures are encouraged to follow the historic traditions of stone bulkheads and wood pile construction. However, it is not the intention to limit state-of-the-art marine technology for new construction when not incongruous with adjoining historic properties.**
- **New waterfront structures should restore, where practical and appropriate, the characteristic “working” nature of the historic maritime context.**



Because of the importance of the waterfront to the maritime heritage of Westport, all waterfront structures within a historic district are regulated by the HDC. This is especially important as most bodies of water are considered public ways in determining what falls within the public view.

The HDC has no jurisdiction over the actual use of the waterfront, but it is an objective of the HDC to promote the preservation of existing and construction of new structures which reflect the characteristic maritime heritage of the community.

### **Fences and Walls**

- **Historic fences and stone walls should be preserved wherever possible. Restoration of existing historic fences and stone walls is always preferred to replacement of the same.**
- **Where stone walls are reset, they should follow the traditional dry laid techniques used in the original construction.**
- **Rural stone walls should be maintained free of overgrowth, particularly in the right-of-way along road sides.**
- **Where fences have been removed, the reconstruction of historically appropriate fences is encouraged. New fences should follow local traditions – simple picket fences which are associated with the earlier nineteenth century and again with the twentieth century, or the more decorative fences with pickets of ornate sawn profile and sometimes paneled intermittent posts associated with the mid-nineteenth century, or any of the many manufactured iron types which could be purchased by catalogue throughout most of the nineteenth century.**
- **New fences generally should not exceed 4' in height in any front yard. Brick walls, barricade fences, and split rail fences are all discouraged in Westport's early historic districts, though they may be appropriate in historic suburban areas. Chain link fences are not appropriate.**
- **Modern highway guardrails are inappropriate in Westport's rural and village historic districts. Where unavoidable, the use of older highway prototypes of truncated wood poles with rope wire or wood plank rails is encouraged.**



Fences and stone walls are a historically significant aspect of both Westport's historic country and village settings. Many of these fences have been lost to deterioration, and while the curb structures for

these fences sometimes remain, the traditional delineation of public and private spaces has been eroded.

In rural areas, stone walls lined most roads and bordered Colonial era farm lands. While much of Westport's historic farmlands have been subdivided, many if not most of these stone walls survive as part of the historic context of these rural districts, preserving a semblance of the historic agricultural landscape

Simple picket fences were typical of the earlier nineteenth century and again of the twentieth century village settings. More decorative fences with pickets of ornate sawn profile and sometimes paneled intermittent posts emerged during the mid-nineteenth century, and are associated in particular with the Italianate and Second Empire Styles. By the post-Civil War era, many pre-manufactured ornate iron fences could be purchased by catalogue, and several of these types remain today.

### **Roadways and Sidewalks**

- **Asphalt and concrete are generally acceptable for roadway paving.**
- **Stone slab paving blocks and cobblestone may be appropriate for accessory paved areas such as parking and crosswalks, but should not be used for public roadways where no historic precedent exists for same.**
- **Porous concrete and porous asphalt, which suggest packed gravel but provide a hard and permanent surface while allowing rainwater to drain through the surface, are generally acceptable paving materials.**
- **Downtown sidewalks should be stone, brick or concrete in keeping with historic precedent. Concrete may often be the correct choice. Asphalt is not appropriate.**
- **Downtown curbs should be cut stone, usually granite.**
- **Sidewalk curb lines should generally maintain alignment parallel to buildings and/or roadways, and avoid contrived projections for crosswalks.**
- **Crosswalks may incorporate traditional paving materials.**

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- **Residential village sidewalks should be grass, gravel, stone slab, brick or concrete, in keeping with characteristic historic traditions. Porous concrete may also be acceptable.**
- **Paved sidewalks and fixed curbing are generally inappropriate in rural historic districts.**



Sidewalks and roadways which fall in the public way are regulated by the HDC, as an essential component of the historic context. Different paving materials, or even the lack thereof, are associated with the several historically significant eras of Westport's historic districts. Contemporary standards of safety and convenience may preclude the continued use of historic materials in certain cases, and indeed the use of traditional paving materials for contemporary applications can falsify the historic context of a historic district. On the other hand, later paving materials may detract from the characteristic scale and texture of a historic neighborhood. Consequently, sidewalk and roadway improvements will be reviewed by the HDC only on a case by case basis.

Westport's roads were generally not paved until the turn-of-the-century, though major downtown roads may have had Belgian block, cobblestone, or brick pavers somewhat earlier. Prior to the automobile, roadways traversed by horse traffic were usually dirt by choice. Even with the development of trolley service, tracks were simply embedded in the dirt roadway. However, in deference to the pedestrian, early dirt roads in village areas may have had stone curbs, cobblestone gutters, stone slab or brick sidewalks, and stone slab crosswalks. Residential walkways were often just packed gravel or even grass.

Early in the twentieth century, concrete paving was introduced, particularly along such major thoroughfares as the Boston Post Road. Many if not most sidewalks would also have been constructed of concrete.

### Driveways

- **Driveways may be paved in asphalt or concrete as permitted for roadways. Porous concrete, porous asphalt, and traditional materials such as stone or brick are also acceptable.**

- **While driveways may be paved in asphalt, paving materials which contrast with the adjoining roadway are preferred so as to provide a visual break in both texture and color. Such preferred materials may include concrete, Belgian block, cobblestone, brick, porous concrete and porous asphalt.**
- **Large scale areas of a single paving material should be avoided.**



Multi-family and non-residential driveways are regulated because they are deemed to constitute a public way and because of the major impact they can have on the historic setting. Single family driveways visible from a public way are also regulated when they are in public view.

### Parking Areas

- **Off-street parking areas should be concealed from the road wherever practical, and preferably should be located to the rear of a building. Parking in any front yard will generally be found inappropriate.**
- **Parking which remains visible from the public right-of-way should be suitably screened with landscaping or fencing. Landscaping may also help reduce the apparent size of parking areas.**
- **Wide curb cuts are not appropriate and parking areas should be accessed by as narrow a driveway as practical. The use of shared driveways for such access is encouraged so as to reduce the total amount of necessary curb cut.**
- **Paving materials which contrast with the adjoining roadway are preferred so as to provide a visual break in both texture and color. Large scale areas of a single paving material should be avoided.**
- **Asphalt and concrete may be acceptable as appropriate paving materials for parking areas, but the use of more textured paving materials is encouraged for larger parking areas. Such paving might include gravel, clamshell, Belgian block, brick or cobblestone. Other and more recently developed alternatives are porous concrete and porous asphalt, which suggest packed gravel but**

provide a hard and permanent surface. Porous paving moreover allows rainwater to drain through the surface, and can thus eliminate the need for gutters and catch basins which can detract from the historic setting.

- **Parking lot sidewalks should be gravel, granite or concrete in keeping with characteristic historic traditions. Curbs should be granite.**
- **Parking lot lighting should be consistent with the design guidelines for site lighting fixtures.**



The following issues are evaluated by the HDC in determining the appropriateness of any proposed parking area.

- Size
- Location
- Visibility of cars
- Paving materials
- Lighting

As parking areas are without historic precedence in Westport's historic districts, their impact on same can be enormous. Connecticut General Statutes (CGS) stipulate that all parking areas be regulated under the historic district ordinance. Note that improvements to existing parking areas are also regulated as, for instance, repaving.

### **Site Lighting Fixtures**

- **In general, mixed lighting sources such as display window lighting, sign lighting, entrance way lanterns, and street lights used in combination are preferable to formal placement of streetlights.**
- **Appropriately scaled contemporary light fixtures are not discouraged where there is no historic tradition for site lighting.**
- **Excessive glare should be avoided by proper shielding of bright light sources.**
- **The color rendition of exterior commercial light fixtures should be as close to natural sunlight as possible, deviating only to the warm side of the spectrum. Any bulb type which offers suitable color rendition and brightness shall be permitted.**



It is recognized that lighting fixtures were not original to many of Westport's historic neighborhoods, and thus it is not the intent of these guidelines to require falsely antique fixtures. Appropriate fixtures may reflect earlier gas prototypes, but may often more appropriately reflect more modern electric prototypes.

Similarly, there is little historic precedence for formal street lighting in Westport. Even in downtown areas, nineteenth century street lighting was the responsibility of the abutting shop owner, and light fixtures took many forms. With the introduction of utility poles at the turn-of-the-twentieth century, simple electric light fixtures were often affixed to the same, and sometimes were suspended over roadways in conjunction with overhead trolley wires. With the rebuilding of Route 1 by the state in the Twenties, the first decorative light fixtures were introduced. These lights had decorative glass "acorns" mounted on ornate iron brackets, which in turn were affixed to existing utility poles and even building facades. During the 1960s, the "cobra head" fixture became the predominant street lighting fixtures. It is the HDC policy that modern lighting design can be appropriate in the historic setting.

### **Accessory Structures in the Public Way**

- **Where no historic precedence exists for accessory type structures located in the public way, such as for bandstands or transit shelters, appropriate design for the same should be discretely scaled. Such structures are encouraged to incorporate building materials traditional to the locale, but should avoid pretense to antiquity.**
- **Wherever possible, incidental pedestrian right-of-way amenities should be incorporated into structures which are characteristic of a district – for instance, a storefront awning can also provide shelter for waiting transit riders.**
- **Window awnings in commercial historic districts should be traditional type with fabric cover. Backlit translucent awnings are generally inappropriate.**
- **Reasonable leeway is permitted in selection of street furniture and fixtures. However, trash receptacles, news boxes, and similar fixtures should be consolidated in designated areas to avoid clutter.**





Miscellaneous site fixtures will be considered by the HDC on an individual basis, including consideration of prototype designs.

### Landscaping

- **Historic landscape architecture should be preserved.**
- **Historic rural and waterfront landscapes should be preserved, whether or not they contain historic structures.**
- **Parking areas which are not otherwise concealed from public view shall be suitably landscaped to mitigate their visual impact.**
- **Compartmentalization of parking areas through sensitive planting is encouraged.**
- **The planting of street trees should reflect historic traditions for varied or uniform planting. The formal replanting of rows of street trees is encouraged where historic precedence exists for the same.**



New landscaping which is incidental to a structure is not normally regulated by the HDC. However, landscaping may be stipulated in conjunction with any variance granted by the HDC. Parking areas in particular may be required to include appropriate landscaping. Historic landscape architecture which falls within a regulated district is also regulated by the HDC.

### Commercial Signs

- **Outdoor advertising signs should reflect the historic traditions of signs for the building and/or district. These traditions may include but are not necessarily limited to the following types:**
  - **Bracketed signs overhanging a sidewalk**
  - **Advertising painted directly on a building facade**
  - **Lettering affixed to a storefront awning**
  - **Sign band entablature spanning the first floor storefront**
  - **Lettering affixed to exterior wainscoting below display windows**

- **Lettering painted or affixed to display windows**

- **Rooftop signs**

- **Style of sign shall be compatible with the style of the building to which it is attached or with the prevalent style of the business district. Personal expression that is not inconsistent with these stylistic traditions is encouraged.**
- **Size of signs shall be as appropriate to the scale of the building and/or its environs. No specific size standards are maintained by the HDC.**
- **Multiple signs on a single building, which permit down-scaling of individual signs to specific context and audience, may be preferable to a single larger building sign.**
- **Off-site signs and billboards are generally not appropriate.**
- **Hanging signs should have appropriate edge treatment – a minimum panel edge dimension of 3/4" is preferred.**
- **Lettering which is applied directly to sign band entablatures, wainscoting, and windows is often preferably applied directly to the same, without additional paneled background.**
- **Internally lit translucent plastic signs and flashing signs are generally inappropriate. Neon signs will be considered on an individual basis.**
- **External lighting of signs is permitted but should be situated to avoid glare. Appropriate sign lighting can be a positive contribution to general right-of-way lighting.**
- **Exterior vending machines are regulated as both sign and fixture and shall generally not be permitted.**
- **The use of logos is not restricted.**



Under CGS, outdoor signs may be regulated by historic district ordinance with regard to the following:

- *Size*
- *Location*
- *Style*
- *Material*

This HDC regulation is in addition to regulations of other jurisdictions and, when the standards of the HDC are stricter, they must be adhered to.

Historic traditions exist for many types of commercial signs, and it is not the intention of these guidelines to unduly restrict such signs. When appropriately designed, signs can contribute to the visual vitality of a historic business district. The HDC may also recommend variances for signage not otherwise permitted by zoning, where historic precedence exists for same.

Temporary signs and banners, as enumerated in Part 6 of this handbook, are not regulated by the HDC.

### **Street and Traffic Signs**

- **Street and traffic signs are encouraged to reflect local historic precedence, but pretense to antiquity is discouraged where traditions for such signs do not exist.**
- **Street and traffic signs should be consolidated and placed back to back where practical to reduce the cluttered sprawl of same.**
- **Reduction in number of traffic signs is encouraged where this will not adversely impact on traffic safety.**
- **Painted wood or cast metal signs with raised letters are preferred to printed sheet metal signs. A minimum panel edge dimension of 3/4" is preferred.**
- **Chamfered sign posts with 4x cross sections are preferred to conventional metal hat sections.**
- **Paired sign supports may be appropriate for larger signs such as stop signs or for grouping of signs.**
- **Street name signs which are lettered directly to a painted chamfered post are a preferred historic prototype for country and suburban settings.**



Historic precedents for street name signs exist in town though these precedents will vary between village and country settings. These precedents will generally be a preferred model for same.

On the other hand, there is no true historic precedent for traffic control signs. Moreover, signage itself is

generally dictated by national standards. It is not the intent of the HDC to control sign standards, but instead to avoid the clutter of traffic signs. Recent studies have shown that a reduction in signage can actually improve traffic safety, by reducing driver distraction, and the town and state are encouraged to consider both reduction and consolidation of traffic signs.

Much can be also achieved by giving special consideration as to how traffic signs are mounted and/or grouped.

The town is encouraged to work with the HDC in developing appropriate street and traffic sign prototypes. Such prototypes should be developed for use throughout town and not just in historic districts.



## PART I\* HISTORIC DISTRICTS

\*Cited. 196 C. 596, 602, 607.

Because this part (Sec. 7-147a et seq.) provides comprehensive, detailed legislative scheme for establishment of historic district, including approval of legislative body, and because referendum authorized by town charter is not such a legislative body, provision of town charter is inapplicable to adoption of historic district ordinance in accordance with this part and has no place in such scheme. 62 CA 298.

### Sec. 7-147a. Historic districts authorized. Definitions.

(a) As used in this part: "Altered" means changed, modified, rebuilt, removed, demolished, restored, razed, moved or reconstructed; "erected" means constructed, built, installed or enlarged; "exterior architectural features" means such portion of the exterior of a structure or building as is open to view from a public street, way or place; "building" means a combination of materials forming a shelter for persons, animals or property; "structure" means any combination of materials, other than a building, which is affixed to the land, and shall include, but not be limited to, signs, fences and walls; "municipality" means any town, city, borough, consolidated town and city or consolidated town and borough; "appropriate" means not incongruous with those aspects of the historic district which the historic district commission determines to be historically or architecturally significant.

(b) Any municipality may, by vote of its legislative body and in conformance with the standards and criteria formulated by the Connecticut Commission on Culture and Tourism, establish within its confines an historic district or districts to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places associated with the history of or indicative of a period or style of architecture of the municipality, of the state or of the nation.

(c) The legislative body of any municipality may make appropriations for the purpose of carrying out the provisions of this part.

(1961, P.A. 430, S. 1; February, 1965, P.A. 221, S. 2; P.A. 80-314, S. 1; P.A. 86-105, S. 1; June 30 Sp.

Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30.)

History: 1965 act added provision requiring district to conform to standards and criteria of historical commission; P.A. 80-314 added Subsec. (a) containing definitions and divided earlier provisions into Subsecs. (b) and (c); P.A. 86-105 added definition of "appropriate" in Subsec. (a); June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism.

*Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. Cited. 196 C. 596.*

*Subsec. (a):*

*Includes objects embedded in the earth, such as posts, stakes and foundations connected to objects rising above the surface and very heavy objects "affixed" to the ground by gravity, but not isolated objects that rest lightly on the surface of the ground that can easily be moved. 282 C. 672.*

### Sec. 7-147b. Procedure for establishment of historic district.

Prior to the establishment of an historic district or districts, the following steps shall be taken:

(a) The legislative body shall appoint or authorize the chief elected official of the municipality to appoint an historic district study committee for the purpose of making an investigation of a proposed historic district or districts. The legislative body of a municipality which proposes to establish more than one district may establish more than one committee if the proposed districts are not contiguous to each other nor to any existing historic district. Each committee established under the provisions of this section shall consist of five regular and three alternate members who shall be electors of the municipality holding no salaried municipal office. Such alternate members shall, when seated as provided in this section, have all powers and duties of a member of the committee. If a regular member of such committee is absent or has a conflict of interest, the chairman of the committee shall designate an alternate to so act, choosing alternates in rotation so

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that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(b) The historic district study committee shall investigate and submit a report which shall include the following: (1) An analysis of the historic significance and architectural merit of the buildings, structures, places or surroundings to be included in the proposed historic district or districts and the significance of the district as a whole; (2) a general description of the area to be included within the district or districts, including the total number of buildings in each such district or districts listed according to their known or estimated ages; (3) a map showing the exact boundaries of the area to be included within the district or districts; (4) a proposed ordinance or proposed ordinances designed to create and provide for the operation of an historic district or districts in accordance with the provisions of this part; (5) such other matters as the committee may deem necessary or advisable.

(c) The historic district study committee shall transmit copies of its report to the Connecticut Commission on Culture and Tourism, the planning commission and zoning commission, or the combined planning and zoning commission, of the municipality, if any, and, in the absence of such a planning commission, zoning commission or combined planning and zoning commission, to the chief elected official of the municipality for their comments and recommendations. In addition to such other comments and recommendations as it may make, the Connecticut Commission on Culture and Tourism may recommend either approval, disapproval, modification, alteration or rejection of the proposed ordinance or ordinances and of the boundaries of each proposed district. Each such commission, board or individual shall deliver such comments and recommendations to the committee within sixty-five days of the date of transmission of such report. Failure to deliver such comments and recommendations shall be taken as approval of the report of the committee.

(d) The historic district study committee shall hold a public hearing on the establishment of a proposed historic district or districts not less than sixty-five nor more than one hundred thirty days after the transmission of the report to each party as provided in subsection (c) of this section, except that, if all such

parties have delivered their comments and recommendations to the committee, such hearing may be held less than sixty-five days after the transmittal of the report. The comments and recommendations received pursuant to subsection (c) of this section shall be read in full at the public hearing.

(e) Notice of the time and place of such hearing shall be given as follows: (1) Written notice of the time, place and purpose of such hearing, postage prepaid, shall be mailed to the owners of record of all real property to be included in the proposed historic district or districts, as they appear on the last-completed grand list, at the addresses shown thereon, at least fifteen days before the time set for such hearing, together with a copy of the report of the historic district study committee or a fair and accurate synopsis of such report. A complete copy of the report, a copy of all recommendations made under subsection (c) of this section, a map showing the boundaries of the area to be included in the proposed district and a copy of the proposed ordinance shall be available at no charge from the town clerk during business hours or shall be mailed, upon request, to any owner of record of real property in the proposed historic district or districts with the notice of the hearing; and (2) by publication of such notice in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least twice, at intervals of not less than two days, the first not more than fifteen days nor less than ten days and the last not less than two days before such hearing.

(f) The historic district study committee shall submit its report with any changes made following the public hearing, along with any comments or recommendations received pursuant to subsection (c) of this section, and such other materials as the committee may deem necessary or advisable to the legislative body and the clerk of the municipality within sixty-five days after the public hearing.

(g) The clerk or his designee shall, not later than sixty-five days from receipt of such report, mail ballots to each owner of record of real property to be included in the proposed district or districts on the question of creation of an historic district or districts, as provided for in sections 7-147a to 7-147k, inclusive. Only an owner who is eighteen years of age or older and who is liable, or whose predecessors in title were liable, to the municipality for taxes on an

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assessment of not less than one thousand dollars on the last-completed grand list of the municipality on real property within the proposed district, or who would be or would have been so liable if not entitled to an exemption under subdivision (7), (8), (10), (11), (13), (14), (15), (16), (17), (20), (21), (22), (23), (24), (25), (26), (29) or (49) of section 12-81, may vote, provided such owner is the record owner of the property, thirty days before the ballots must be returned. Any tenant in common of any freehold interest in any land shall have a vote equal to the fraction of his ownership in said interest. Joint tenants of any freehold interest in any land shall vote as if each joint tenant owned an equal, fractional share of such land. A corporation shall have its vote cast by the chief executive officer of such corporation or his designee. No owner shall have more than one vote.

(h) The form of the ballot to be mailed to each owner shall be consistent with the model ballot prepared by the Historic Preservation Council of the Connecticut Commission on Culture and Tourism established pursuant to section 10-409. The ballot shall be a secret ballot and shall set the date by which such ballots shall be received by the clerk of the municipality. The ballots shall be mailed by first class mail to each owner eligible to vote in such balloting at least fifteen days in advance of the day on which ballots must be returned. Notice of balloting shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality 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 last not less than two days before the day on which the ballots must be returned. Such ballot shall be returned to the municipal clerk, inserted in an inner envelope which shall have endorsed on the face thereof a form containing a statement as follows: "I, the undersigned, do hereby state under the penalties of false statement that I am an owner of record of real property to be included in the proposed historic district and that I am, or my predecessors in title were, liable to the municipality for taxes on an assessment of not less than one thousand dollars on the last grand list of the municipality of real property within the district, or who would be or would have been so liable if not entitled to an exemption under subdivision (7), (8), (10), (11), (13), (14), (15), (16), (17), (20), (21), (22), (23), (24), (25), (26), (29) or (49) of section 12-81." Such statement shall be signed

and dated. Any person who intentionally falsely signs such ballot shall be guilty of false statement as provided in section 53a-157b. The inner envelope, in which the ballot has been inserted by the owner, shall be returned to the municipal clerk in an outer envelope endorsed on the outside with the words: "Official ballot". Such outer envelope shall also contain, in the upper left corner of the face thereof, blank spaces for the name and return address of the sender. In the lower left corner of such outer envelope, enclosed in a printed box, there shall be spaces upon which the municipal clerk, before issuance of the ballot and envelopes, shall inscribe the name, street and number of the elector's voting residence and the date by which the ballot must be returned, and before issuance the municipal clerk shall similarly inscribe such envelope with his name and address for the return thereof. All outer envelopes shall be serially numbered. The ballots shall be returned to the municipal clerk by the close of business on the day specified, and such clerk shall compare each ballot to the list of property owners to whom such ballots were mailed to insure that each such ballot has been properly signed and returned.

(i) If two-thirds of all property owners voting cast votes in the affirmative, the legislative body of the municipality shall by majority vote take one of the following steps: (1) Accept the report of the committee and enact an ordinance or ordinances to create and provide for the operation of an historic district or districts in accordance with the provisions of this part; (2) reject the report of the committee, stating its reasons for such rejection; (3) return the report to the historic district study committee with such amendments and revisions thereto as it may deem advisable, for consideration by the committee. The committee shall submit an amended report to the legislative body within sixty-five days of such return. The committee need not hold a public hearing other than the one provided for in subsection (d) of this section, notwithstanding any changes in its report following such hearing, unless the legislative body has recommended a change in the boundaries of the proposed district or districts. The legislative body of the municipality may authorize another ballot of the owners within a proposed district or districts to be cast, other than the balloting provided for in subsection (g) of this section, notwithstanding any changes in the proposed ordinance following such balloting, if the boundaries of the proposed district in which the owners' property is situated are changed.

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(j) Any ordinance, or amendment thereof, enacted pursuant to this part, which creates or alters district boundaries, shall contain a legal description of the area to be included within the historic district. The legislative body, when it passes such an ordinance, or amendment thereof, shall transmit to the municipal clerk a copy of the ordinance or amendment thereof. Such ordinance, or amendment thereof, shall be recorded in the land records of the municipality in which such real property is located and indexed by the municipal clerk in the grantor index under the names of the owners of record of such property.

(1961, P.A. 430, S. 2; 1963, P.A. 600, S. 1; P.A. 75-52; P.A. 77-338, S. 1; P.A. 80-314, S. 2; P.A. 87-167; P.A. 91-135, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 210(e), 235; P.A. 04-20, S. 3; 04-205, S. 5; 04-257, S. 4; May Sp. Sess. P.A. 04-2, S. 30.)

History: 1963 act amended Subsec. (c) to extend time for recommendations after receipt of report from 60 to 90 days and to authorize Connecticut historical commission to recommend boundaries of proposed districts, amended Subsec. (d) to extend time within which hearing is to be held, amended Subsec. (e) to provide for sending a copy or synopsis of the study committee's report, together with a copy of the recommendations under Subsec. (c), a map and a copy of the proposed ordinance to property owners, amended Subsec. (f) to provide for inclusion of list of all buildings in report of committee and amended Subsec. (g) to provide for balloting by property owners; P.A. 75-52 added Subsec. (i) re ordinance contents; P.A. 77-338 deleted requirement in Subsec. (d) that hearing be held not less than 120 days after report; P.A. 80-314 amended Subsec. (a) to allow more than one committee and to include provisions for alternate members, amended Subsec. (b) to include in requirements for report consideration of architectural merit, description of area to be included, map of exact boundaries, proposed ordinance etc., amended Subsec. (c) to include combined planning and zoning commissions and to replace previous provision requiring that recommendations be read at hearing with provision for turning over recommendations to committee, amended Subsec. (d) to require that hearing be held not less than 65 days after report sent to commissions unless conditions specified in exception are met, amended Subsec. (e) to require 15 rather than 20 days' notice and to allow towns to have available on request rather than to automatically send out complete report and other data, amended Subsec. (f) to change deadline from 60

to 65 days and deleted specific accounting of report contents, amended Subsec. (g) to set deadline for mailing ballots and to replace general provisions for voting and action on result with detailed provisions for voting, deleted former Subsec. (h) re proposed amendments to ordinance replacing it with further voting detail, added Subsec. (i) re actions taken following vote and relettered former Subsec. (i) as Subsec. (j) and added requirement that copy of ordinance be sent to municipal clerk; P.A. 87-167 amended Subsec. (i) to reduce the affirmative vote requirement from 75% to two-thirds of all owners voting; P.A. 91-135 amended Subsec. (g) to transfer authority to mail ballots from the legislative body to the town clerk or his designee and amended Subsec. (h) to require that the ballot be consistent with a model ballot prepared by the Connecticut historical commission; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film in Subsec. (c), and June 30 Sp. Sess. P.A. 03-6 also amended Subsec. (h) to substitute Historic Preservation Council of Connecticut Commission on Arts, Tourism, Culture, History and Film for Connecticut Historical Commission, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism; P.A. 04-257 made technical changes in Subsec. (h), effective June 14, 2004.

*Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. Cited. 196 C. 596. Cited. 227 C. 71.*

*Subsec. (a):*

*Cited. 43 CS 29.*

*Subsec. (g):*

*Each condominium unit owner "entitled to a vote proportionate to his freehold interest in the land ..."*  
*196 C. 596.*

### **Sec. 7-147c. Historic district commission.**

(a) Once an historic district has been established, the historic district study committee shall cease to exist and thereafter an historic district commission shall perform all the functions of the committee relative to the new district and to administering the provisions of this part.

(b) The historic district commission may from time

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to time, by following the procedure for creation of an historic district provided for in section 7-147b, suggest that an historic district be enlarged or that additional districts be created. Where additional property is to be included within an existing district, the owners of such additional property shall vote pursuant to subsection (g) of section 7-147b.

(c) Notwithstanding the provisions of section 7-147b, the legislative body of the municipality may enact amendments to the ordinance or ordinances of an historic district established pursuant to this part if such amendments do not involve changing district boundaries or the creation of new districts. No amendment shall be enacted until the substance of such amendment has first been submitted to the historic district commission having jurisdiction over the district affected for its comments and recommendations and either its comments and recommendations have been received or sixty-five days have elapsed without receipt of such comments and recommendations. The historic district commission may suggest amendments to the legislative body.

(d) The historic district commission established under the provisions of this part shall consist of five regular and three alternate members, who shall be electors of the municipality in which the district is situated holding no salaried municipal office. The ordinance shall provide that one or more of the members or alternates of the historic district commission shall reside in an historic district under the jurisdiction of the commission, if any persons reside in any such district and are willing to serve on such commission. Such alternate members shall, when seated as provided in this section, have all powers and duties of a member of the commission. If a regular member of said commission is absent or has a conflict of interest, the chairman of the commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting. The method of appointment shall be fixed by ordinance. The appointments to membership in the commission shall be so arranged that the term of at least one member shall expire each year, and their successors shall be appointed in like manner for terms of five years. Vacancies shall be filled for the unexpired term and in the same manner as the original appointment. The commission shall elect

annually a chairman, a vice-chairman and a clerk from its own number. Each member and alternate shall continue in office until his successor is duly appointed. All members and alternates shall serve without compensation. Any member or alternate may be appointed for another term or terms.

(e) The historic district commission shall adopt rules of procedure not inconsistent with the provisions of this part. The commission may adopt regulations not inconsistent with the provisions of this part to provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness.

(f) The historic district commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein.

(g) A copy of any ordinance creating an historic district adopted under authority of this part, amendments to any such ordinance, maps of any districts created under this part, annual reports and other publications of the historic district commission and the roster of membership of such commission shall be transmitted to the Connecticut Commission on Culture and Tourism. The historic district commission shall also file with the Connecticut Commission on Culture and Tourism 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.

(h) The historic district commission may accept grants and gifts, employ clerical and technical assistance or consultants and incur other expenses appropriate to the carrying on of its work, subject to appropriation by the municipality or receipt of such grants or gifts and may expend the same for such purposes.

(i) A municipality which has more than one historic district may establish more than one historic district commission if the districts are not contiguous.

(j) Any historic district commission established under this section may, unless prohibited by charter, ordinance or special act: (1) Make periodic reports to the legislative body; (2) provide information to property owners and others involving the preservation of the district; (3) suggest pertinent



legislation; (4) initiate planning and zoning proposals; (5) cooperate with other regulatory agencies and civic organizations and groups interested in historic preservation; (6) comment on all applications for zoning variances and special exceptions where they affect historic districts; (7) render advice on sidewalk construction and repair, tree planting, street improvements and the erection or alteration of public buildings not otherwise under its control where they affect historic districts; (8) furnish information and assistance in connection with any capital improvement program involving historic districts; (9) consult with groups of experts.

(1961, P.A. 430, S. 3; P.A. 77-338, S. 2; P.A. 80-314, S. 3; P.A. 86-105, S. 2; June 30 Sp. Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30.)

History: P.A. 77-338 added Subsec. (b) re procedure for inclusion of individual's property in district after its establishment; P.A. 80-314 deleted previous Subsec. (b), inserted new material concerning enlarging districts or creating new ones and ordinance amendments as Subsecs. (b) and (c), placed provisions for commission membership, appointments, etc. in Subsec. (d) rather than Subsec. (a) as previously, amending provisions for alternate members and adding provision concerning vacancies and reappointments, placed provision for adopting rules in Subsec. (e) rather than Subsec. (a) and added provision concerning regulations providing guidance for property owners in preparing applications, added Subsecs. (f) and (g) re permanent records and information required to be sent to the state historical commission, amended provision re acceptance of grants and gifts and employment of personnel, formerly in Subsec. (a), and designated it as Subsec. (h) and added Subsecs. (i) and (j) re multiple commissions and further powers; P.A. 86-105 amended Subsec. (d) to require that one or more residents of historic district be included on commission as members or alternates; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism.

*Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727.*

*Subsec. (j):*

*Cited. 227 C. 71.*

### **Sec. 7-147d. Certificate of appropriateness: Parking areas.**

(a) No building or structure shall be erected or altered within an historic district until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the historic district commission and approved by said commission.

(b) 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 an historic district shall be issued by a municipality 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.

(c) The historic district commission may request such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of property after such demolition or removal, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application. The style, material, size and location of outdoor advertising signs and bill posters within an historic district shall also be under the control of such commission. The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure.

(d) No area within an historic district shall be used for industrial, commercial, business, home industry or occupational 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 the commission and approved by said commission. The provisions of this section shall apply to the enlargement or alteration of any such parking area in existence on October 1, 1973.

(1961, P.A. 430, S. 4; 1963, P.A. 600, S. 2; P.A. 73-473, S. 1; P.A. 80-314, S. 4.)

History: 1963 act redefined "exterior architectural features", deleted stone walls, fences, signs, light

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fixtures, steps and paving from purview of certificate and excluded exterior paint color from provisions of section; P.A. 73-473 added Subsec. (b) re parking areas; P.A. 80-314 deleted "restored, moved or demolished" and removed definition of "exterior architectural features" from Subsec. (a), added Subsec. (b) re certificates of appropriateness, added Subsec. (c) including provisions re signs and exterior paint color, previously in Subsec. (a), and stating what information is necessary for commission's decision on application and relettered former Subsec. (b) as Subsec. (d).

*Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. Cited. 196 C. 596.*

*Cited. 29 CA 28.*

*Subsec. (d):*

*A reading of the word "occupational" that restricts it strictly to for-profit commercial or industrial uses would render other words unnecessary surplusage, which would violate basic tenet of statutory construction that legislature does not intend to enact meaningless provisions. 284 C. 838. Subsec. plainly and unambiguously encompasses parking for private elementary educational facilities because legislature drafted statute with language clearly intended to subject a broad variety of nonresidential parking uses to historic district regulation. Id. Legislature's enactment of Sec. 7-147k(b) which exempts from provisions of historic district act "any property owned by a nonprofit institution of higher education, for as long as a nonprofit institution of higher education owns such property" further supports a construction of Subsec. subjecting nonprofit private elementary school to jurisdiction of the commission. Id.*

**Sec. 7-147e. Application for certificate. Hearing. Approval.**

(a) 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 given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality not more than fifteen days nor less than five days before such hearing.

(b) Unless otherwise provided by ordinance, a majority of the members of the commission shall constitute a quorum and the concurring vote of a majority of the members of the commission shall be necessary to issue a certificate of appropriateness. Within not more than sixty-five days after the filing of an application as required by section 7-147d, the commission shall pass upon such application and shall give written notice of its decision to the applicant. When a certificate of appropriateness is denied, the commission shall place upon its records and in the notice to the applicant the reasons for its determination, which shall include the bases for its conclusion that the proposed activity would not be appropriate. In the notice to the applicant the commission may make recommendations relative to design, arrangement, texture, material and similar features. The commission may issue a certificate of appropriateness with stipulations. Evidence of approval, as referred to in section 7-147d, shall be by certificate of appropriateness issued by the commission. Failure of the commission to act within said sixty-five days shall constitute approval and no other evidence of approval shall be needed.

(1961, P.A. 430, S. 5, 7; 1969, P.A. 37; P.A. 73-473, S. 2; P.A. 80-314, S. 5; P.A. 86-105, S. 3.)

History: 1969 act changed deadline for commission action in Subsec. (a) from 60 to 120 days; P.A. 73-473 specified parking as well as exterior architectural features as concern of certificate of appropriateness; P.A. 80-314 deleted reference specifying parking or exterior architectural features, changed number of times notice to appear in newspaper from seven to two and add specific time requirements, deleted requirement that commission record applications and activities and deleted former Subsec. (b) and placed in new Subsec. (b) procedure for action on application, changing deadline for action to 65 days, adding provisions re quorum, voting and denial of application or issuance with stipulations; P.A. 86-105 reduced newspaper notice requirements to one publication and provided that the bases for commission's determination shall be included in any notice of denial of certificate of appropriateness.

*Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. Cited. 196 C. 596.*

*Subsec. (a):*

*Failure to republish notice of continuance of a hearing in newspaper did not violate Subsec. 49 CS 498.*

*Subsec. (b):*

*In appeal from a decision by historic district commission, reviewing courts are limited to determining whether reason or reasons stated by commission are supported by substantial evidence in the record. 285 C. 755.*

*Although commission mailed the notice of the denial of the application to applicant 68 days after the filing of the application, applicant was not entitled to automatic approval of the application on that basis since commission had acted within 65 days after the filing of the application and applicant had actual notice of the commission's decision. 108 CA 682.*

### **Sec. 7-147f. Considerations in determining appropriateness. Solar energy systems.**

(a) If the commission determines that the proposed erection, alteration or parking will be appropriate, it shall issue a certificate of appropriateness. In passing on appropriateness as to exterior architectural features, buildings or structures, the commission shall consider, in addition to other pertinent factors, the type and style of exterior windows, doors, light fixtures, signs, above-ground utility structures, mechanical appurtenances and the type and texture of building materials. In passing upon appropriateness as to exterior architectural features the commission shall also consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, scale, general design, arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of other buildings and structures in the immediate neighborhood. No application for a certificate of appropriateness for an exterior architectural feature, such as a solar energy system, designed for the utilization of renewable resources shall be denied unless the commission finds that the feature cannot be installed without substantially impairing the historic character and appearance of the district. A certificate of appropriateness for such a feature may include stipulations requiring design modifications and limitations on the location of the feature which do not significantly impair its effectiveness. 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.

(b) In its deliberations, the historic district

commission shall act only for the purpose of controlling the erection or alteration of buildings, structures or parking which are incongruous with the historic or architectural aspects of the district. The commission shall not consider interior arrangement or use. However, the commission may recommend adaptive reuse of any buildings or structures within the district compatible with the historic architectural aspects of the district.

(1961, P.A. 430, S. 8; P.A. 73-473, S. 3; P.A. 80-314, S. 6; P.A. 81-326.)

History: P.A. 73-473 added specific provisions concerning certificates of appropriateness for parking; P.A. 80-314 added Subsec. (b) re exclusion of consideration of interior space except to recommend adaptive reuse and expanded considerations for certificate concerning exterior features with specific references to doors, windows, signs, etc.; P.A. 81-326 added provisions concerning issuance of certificate of appropriateness for exterior architectural feature designed for utilization of renewable resources.

*Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. Cited. 196 C. 596. Cited. 227 C. 71.*

*Subsec. (a):*

*Commission may consider historic value and significance of buildings in their existing locations, including outbuildings, as a "pertinent factor" in denying an application for alterations. 285 C. 755.*

### **Sec. 7-147g. Variations, permissible when.**

Where, by reason of topographical conditions, district borderline situations or because of other unusual circumstances solely with respect to a certain parcel of land and not affecting generally the district in which it is situated, the strict application of any provision of this part 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 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 variations, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purposes of

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said sections. In addition to the filing required by subsection (b) of section 7-147e, the commission shall, for each variation granted, place upon its records and in the notice to the applicant the reasons for its determinations.

(1961, P.A. 430, S. 9; P.A. 80-314, S. 7.)

History: P.A. 80-314 required that record of granted variance and commission's reasons for granting it be kept.

*Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. Cited. 196 C. 596.*

**Sec. 7-147h. Action by commission to prevent illegal acts.**

(a) If any provision of this part or any action taken or ruling made by the historic district commission pursuant to the provisions of said sections or of any regulation or ordinance adopted under said sections has been violated, the commission may, in addition to other remedies, institute an action in the superior court for the judicial district wherein such violation exists, which court shall have jurisdiction to restrain such violation and to issue orders directing that the violation be corrected or removed. Such order may direct the removal of any building, structure or exterior architectural feature erected in violation of said sections or any bylaw or ordinance adopted under said sections or the substantial restoration of any building, structure, or exterior architectural feature altered or demolished in violation of said sections or any regulation or ordinance adopted under said sections. Regulations and orders of the commission issued pursuant to said sections, or to any regulation or ordinance adopted under said sections, shall be enforced by the zoning enforcement official or building inspector or by such other person as may be designated by ordinance, who may be 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 or of any regulation or ordinance adopted under said sections.

(b) The owner or agent of any building, structure or place where a violation of any provision of this part or of any regulation or ordinance adopted under said sections has been committed or exists, or the lessee or tenant of an entire building, entire structure or place where such violation has been committed or

exists, or the owner, agent, lessee or tenant of any part of the building, structure or place in which such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building, structure or place in which any such violation exists, shall be fined not less than ten dollars nor more than one hundred dollars for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars nor more than two hundred fifty dollars for each day that such violation continues. The superior court for the judicial 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. All costs, fees and expenses in connection with actions under this section may, in the discretion of the court, be assessed as damages against the violator, which, together with reasonable attorney's fees, may be awarded to the historic district commission which brought such action. Any funds collected as fines pursuant to this section shall be used by the commission to restore the affected buildings, structures, or places to their condition prior to the violation wherever possible and any excess shall be paid to the municipality in which the district is situated.

(1961, P.A. 430, S. 10; P.A. 73-473, S. 4; P.A. 74-183, S. 166, 291; P.A. 76-436, S. 145, 681; P.A. 78-280, S. 1, 127; P.A. 80-314, S. 8.)

History: P.A. 73-473 included reference to parking; P.A. 74-183 substituted court of common pleas for circuit court and included reference to "county or judicial district"; P.A. 76-436 substituted superior court for court of common pleas, effective July 1, 1978; P.A. 78-280 deleted reference to "county"; P.A. 80-314 divided section into Subsecs. (a) and (b), replaced former provisions for proceedings to prevent unlawful acts with provisions for proceedings in superior court and added provisions concerning court costs, attorneys' fees and fines.

*Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. Cited. 196 C. 596.*

**Sec. 7-147i. Appeals.**

Any person or persons severally or jointly aggrieved by any decision of the historic district commission or of any officer thereof may, within fifteen days from

the date when such decision was rendered, take an appeal to the superior court for the judicial district in which such municipality is located, which appeal shall be made returnable to such court in the same manner as that prescribed for other 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 twelve days before the return day to which such appeal has been taken. Procedure upon such appeal shall be the same as that defined in section 8-8.

(1961, P.A. 430, S. 11; P.A. 76-436, S. 282, 681; P.A. 78-280, S. 1, 127; P.A. 80-314, S. 9.)

History: P.A. 76-436 substituted superior court for court of common pleas and added reference to judicial district, effective July 1, 1978; P.A. 78-280 deleted reference to county; P.A. 80-314 provided that appeal be made returnable to court in same manner as that prescribed for "other" civil actions.

See Sec. 51-197b re administrative appeals.

*Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C. 727. In appeals from administrative zoning decisions, decisions will be invalidated even if they were reasonably supported by the record, if they were not supported by substantial evidence in the record. In an appeal from decision of a commission, the record is reviewed to determine whether there is factual support for commission's decision. Should substantial evidence exist in record to support any basis or stated reason for commission's decision, the court must sustain that decision. 284 C. 838. Although judicial review of land use decisions is deferential, it is not a rubber stamp as a court cannot take view in every case that discretion exercised by local zoning authority must not be disturbed, for if it did the right of appeal would be empty. Id. Although defendant's decision in this case was guided by proper statutory factors under Sec. 7-147f, the application of those factors was not supported by substantial evidence and, therefore, was an abuse of its discretion. Id. Because neighborly animosity and outcry are not, without more, factors for defendant's consideration under Sec. 7-147f(a), testimony does not support the defendant's conclusion in this case. Id.*

*If an appeal has been taken and the trial court remands a case to the commission, the scope of the remand order determines the finality of the trial*

*court's judgment for appeal purposes. 108 CA 682.*

### **Sec. 7-147j. Exempted acts. Delay of demolition.**

(a) Nothing in this part shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a change in the appearance or design thereof; nor to prevent the erection or alteration of any such feature which the building inspector or a similar agent certifies is required by the public safety because of a condition which is unsafe or dangerous due to deterioration; nor to prevent the erection or alteration of any such feature under a permit issued by a building inspector or similar agent prior to the effective date of establishment of such district.

(b) If a building in an historic district is to be demolished, no demolition shall occur for ninety days from issuance of a demolition permit if during such time the historic district commission or the Connecticut Commission on Culture and Tourism is attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition. During such ninety-day period the municipality may abate all real property taxes. At the conclusion of such ninety-day period, the demolition permit shall become effective and the demolition may occur. Nothing in this section shall be construed to mandate that the owner of such property sell such property or building.

(1961, P.A. 430, S. 6; 1963, P.A. 600, S. 3; P.A. 80-314, S. 10; June 30 Sp. Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30.)

History: 1963 act deleted restriction on maintenance or repairs involving a change of material or outward appearance; P.A. 80-314 deleted references to construction, reconstruction and demolition and inserted references to "erection" and added Subsec. (b) re demolition procedure; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism.

*Cited. 153 C. 160. Cited. 171 C. 199. Cited. 189 C.*

727.

**Sec. 7-147k. Prior districts unaffected. Validation of prior creations and actions. Nonprofit institutions of higher education excluded.**

(a) The provisions of this part shall in no way impair the validity of any historic district previously established under any special act or the general statutes. Any and all historic districts created under the general statutes, prior to October 1, 1980, otherwise valid except that such districts, district study committees, municipalities or officers or employees thereof, failed to comply with the requirements of any general or special law, and any and all actions of such districts or historic district commission, are validated.

(b) The provisions of this part shall not apply to any property owned by a nonprofit institution of higher education, for as long as a nonprofit institution of higher education owns such property.

(1961, P.A. 430, S. 12; P.A. 80-314, S. 11; P.A. 06-196, S. 39.)

History: P.A. 80-314 expanded validation to cover districts created before October 1, 1980, and added Subsec. (b) excepting property of nonprofit higher education institutions from provisions of Secs. 7-147a to 7-147k; P.A. 06-196 made a technical change in Subsec. (b), effective June 7, 2006.

*Cited. 171 C. 199. Cited. 189 C. 727.*

*Subsec. (a):*

*Validation of the Farmington Historic District by this statute rendered moot the basis for complaint. 189 C. 727.*

*Subsec. (b):*

*Where express exceptions are made, legal presumption is legislature did not intend to save other cases from operation of the statute. The enactment of section indicates that legislature, when it desires to do so, knows how to exempt specific kinds of educational institutions from historic district regulation. 284 C. 838.*

**Secs. 7-147l and 7-147m. Method of balloting; eligibility to vote; balloting on prior districts.**

Sections 7-147l and 7-147m are repealed.

(1963, P.A. 600, S. 4, 5; 1971, P.A. 333; 1972, P.A. 127, S. 8; P.A. 75-158; P.A. 78-285; P.A. 80-314, S.

12.)

**Secs. 7-147n and 7-147o.**

Reserved for future use.

**PART II\*  
HISTORIC PROPERTIES**

\*Cited. 196 C. 596.

**Sec. 7-147p. Historic property ordinances authorized. Definitions.**

(a) As used in this part: "Historic property" means any individual building, structure, object or site that is significant in the history, architecture, archaeology and culture of the state, its political subdivisions or the nation and the real property used in connection therewith; "altered" means changed, modified, rebuilt, removed, demolished, restored, razed, moved or reconstructed; "erected" means constructed, built, installed or enlarged; "exterior architectural features" means such portion of the exterior of a structure or building as is open to view from a public street, way or place; "building" means a combination of materials forming a shelter for persons, animals or property; "structure" means any combination of materials, other than a building, which is affixed to the land, and shall include, but not be limited to, signs, fences and walls; "municipality" means any town, city, borough, consolidated town and city or consolidated town and borough.

(b) Any municipality may, by ordinance and in conformance with the standards and criteria formulated by the Connecticut Commission on Culture and Tourism, designate within its confines an historic property or properties to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of individual buildings and places associated with the history of or indicative of a period or style of architecture of the municipality, of the state or of the nation.

(c) The legislative body of any municipality may make appropriations for the purpose of carrying out the provisions of this part.

P.A. 84-286, S. 1; June 30 Sp. Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30.)

History: June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with

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the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism.

### **Sec. 7-147q. Procedures for establishment of historic properties.**

Prior to the designation of an historic property or properties, the following steps shall be taken:

(a) The legislative body shall appoint or authorize the chief elected official of the municipality to appoint an historic properties study committee for the purpose of making an investigation of one or more proposed historic properties. The legislative body of a municipality which proposes to establish more than one historic property may establish more than one committee. An already existing historic properties commission or an historic district commission established in the municipality pursuant to part I of this chapter may be appointed to make this investigation. Each committee established under the provisions of this section shall consist of five regular and three alternate members who shall be electors of the municipality holding no salaried municipal office. Such alternate members shall, when seated as provided in this section, have all powers and duties of a member of the committee. If a regular member of such committee is absent or has a conflict of interest, the chairman of the committee shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(b) The historic properties study committee shall investigate and submit a report which shall include the following: (1) An analysis of the historic significance and architectural merit of the buildings, structures, objects or sites proposed as historic properties; (2) a map showing the exact boundaries of the area to be designated as the historic property or properties; (3) a proposed ordinance or proposed ordinances designed to designate and provide for the protection of an historic property or properties in accordance with the provisions of this part; and (4) such other matters as the committee may deem necessary or advisable.

(c) The historic properties study committee shall transmit copies of its report to the Connecticut Commission on Culture and Tourism, the planning commission and zoning commission, or the combined planning and zoning commission, of the municipality, if any, and, in the absence of such a planning commission, zoning commission or combined planning and zoning commission, to the chief elected official of the municipality for their comments and recommendations. In addition to such other comments and recommendations as it may make, the Connecticut Commission on Culture and Tourism may recommend either approval, disapproval, modification, alteration or rejection of the proposed ordinance or ordinances and of the boundaries of each proposed historic property. Each such commission, board or individual shall deliver such comments and recommendations to the committee within sixty-five days of the date of transmission of such report. Failure to deliver such comments and recommendations shall be taken as approval of the report of the committee.

(d) The historic properties study committee shall hold a public hearing on the designation of each proposed historic property not less than sixty-five nor more than one hundred thirty days after the transmission of the report to each party as provided in subsection (c) of this section, except that, if all such parties have delivered their comments and recommendations to the committee, such hearing may be held less than sixty-five days after the transmittal of the report. The comments and recommendations received pursuant to subsection (c) of this section shall be read in full at the public hearing.

(e) Notice of the time and place of such hearing shall be given as follows: (1) Written notice of the time, place and purpose of such hearing, postage prepaid, shall be mailed by certified mail to the owner or owners of record of the real property to be included in each proposed historic property, as they appear on the last-completed grand list, at the addresses shown thereon, at least fifteen days before the time set for such hearing, together with a copy of the report of the historic properties study committee or a fair and accurate synopsis of such report. A complete copy of the report, a copy of all recommendations made under subsection (c) of this section, a map showing the boundaries of the real property to be included in each proposed historic property and a copy of the proposed ordinance shall be available at no charge

from the town clerk during business hours or shall be mailed, upon request, to any owner of record of real property in the proposed historic property or properties with the notice of the hearing; and (2) by publication of such notice in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality at least twice, at intervals of not less than two days, the first not more than fifteen days nor less than ten days and the last not less than two days before such hearing.

(f) The historic properties study committee shall submit its report with any changes made following the public hearing, along with any comments or recommendations received pursuant to subsection (c) of this section, and such other materials as the committee may deem necessary or advisable to the legislative body of the municipality within sixty-five days after the public hearing.

(g) The owner or owners of record of a proposed historic property may object to the proposed designation by submitting to the historic properties study committee or to the legislative body of the municipality a notarized statement certifying that the person filing such objection is the entire or partial owner of the property and objects to the designation. Unless persons holding fifty per cent or more of the ownership interest in a proposed historic property object to the proposed designation within thirty days following the public hearing held pursuant to subsection (d) of this section, the legislative body of the municipality shall, by majority vote, take one of the following steps: (1) Accept the report of the committee as to the proposed historic property and enact an ordinance to designate the historic property and provide for its regulation in accordance with the provisions of this part; (2) reject the report of the committee, stating its reasons for such rejection; or (3) return the report to the historic properties study committee, with such amendments and revisions as it may deem advisable, for consideration by the committee. The committee shall, within sixty-five days of such return, submit an amended report to the legislative body and mail by certified mail a copy of the amended report to the owner or owners of record of each proposed historic property covered by the report. The committee need not hold a public hearing other than the one provided for in subsection (d) of this section. Unless persons holding fifty per cent or more of the ownership interest in a proposed historic property object to the proposed designation within thirty days of receipt of the amended report by

written submission in the manner set forth in this subsection, the legislative body of the municipality may accept or reject the amended report as provided in this subsection.

(h) Any ordinance, or amendment thereof, enacted pursuant to this part, which designates or alters historic property boundaries, shall contain a legal description of the area to be included within each historic property. The legislative body, when it passes such an ordinance, or amendment thereof, shall transmit to the municipal clerk a copy of the ordinance or amendment thereof. Such ordinance, or amendment thereof, shall be recorded in the land records of the municipality in which such real property is located and indexed by the municipal clerk in the grantor index under the names of the owners of record of such property.

(P.A. 84-286, S. 2; June 30 Sp. Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30.)

History: June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism.

#### **Sec. 7-147r. Historic properties commission.**

(a) The first ordinance enacted by a municipality to designate any historic properties shall provide for the creation of an historic properties commission and for the termination of the historic properties study committee or committees. The historic properties commission shall administer the provisions of this part relative to all historic properties then or thereafter designated by the municipality and, relative to such historic properties, the commission shall have all of the powers and duties that historic district commissions have over historic districts pursuant to part I of this chapter except as is otherwise provided in this part. A municipality may designate an historic properties commission to administer historic districts in accordance with part I of this chapter in the event that no historic district commission exists when the historic properties commission is created. A municipality may designate an existing historic district commission to administer historic properties



in accordance with this part.

(b) The historic properties commission may from time to time, in accordance with section 7-147q, initiate the designation of additional historic properties or the enlargement of the boundaries of an existing historic property.

(c) (P.A. 84-286, S. 3.)

### **Sec. 7-147s. Certificate of appropriateness.**

(a) No building or structure located within the boundaries of an historic property shall be erected or altered until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the historic properties commission and approved by such commission. No earthworks or site of recognized historic or archaeological importance within the boundaries of an historic property shall be altered until after an application for a certificate of appropriateness has been submitted to the historic properties commission and approved by said commission.

(b) No building permit for erection of a building or structure or for alteration of an exterior architectural feature within the boundaries of an historic property and no demolition permit for demolition or removal of a building or structure within the boundaries of an historic property shall be issued by a municipality 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.

(c) The historic properties commission may request such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of property after such demolition or removal, as may be reasonably deemed necessary by the commission to enable it to make a determination on the application. The style, material, size and location of outdoor advertising signs and bill posters within the boundaries of an historic property shall also be under the control of such commission. The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure.

(d) No area within the boundaries of an historic property shall be used for industrial, commercial, business, home industry or occupational 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 the commission and approved by said commission.

(P.A. 84-286, S. 4.)

### **Sec. 7-147t. Procedure for application for certificate.**

In reviewing and acting upon applications for certificates of appropriateness, the historic properties commission shall follow the procedures set forth in section 7-147e for use by historic district commissions in reviewing applications for certificates of appropriateness affecting historic districts.

(P.A. 84-286, S. 5.)

### **Sec. 7-147u. Considerations in determining appropriateness.**

Except as otherwise provided in this part, in reviewing and acting upon applications for certificates of appropriateness, the historic properties commission shall apply the same standards and take into account the same considerations as set forth in section 7-147f for use by historic district commissions in reviewing applications for certificates of appropriateness affecting historic districts. In passing upon the appropriateness of alterations to earthworks or sites of historic or archaeological importance, the commission shall consider, in addition to any other pertinent factors, their value and significance, size, design, arrangement, texture and materials. In its deliberations, the historic properties commission shall act only for the purpose of controlling the erection or alteration of buildings, structures, objects, sites or parking that are incongruous with the historic or architectural aspects of the historic property.

(P.A. 84-286, S. 6.)

### **Sec. 7-147v. Variations, permissible when.**

Where, by reason of topographical conditions or location or because of other unusual circumstances, the strict application of any provision of this part would result in exceptional practical difficulty or undue hardship upon the owner of the historic property, the commission in passing upon applications shall have power to vary or modify strict adherence to the provisions of this part, provided such variance or modification shall remain in harmony with the general purpose and intent of this part so that the historic and architectural aspects of the historic property shall be conserved. In granting

variances or modifications, the commission may impose such reasonable stipulations and conditions as will, in its judgment, better fulfill the purposes of this part. The commission shall, for each variance or modification granted, place upon its records and in the notice to the applicant the reasons for its determinations.

(P.A. 84-286, S. 7.)

**Sec. 7-147w. Action by commission to prevent illegal acts.**

If any provision of this part, or any action taken or ruling made by the historic properties commission pursuant to the provisions of this part or any regulation or ordinance adopted pursuant to this part, has been violated, the historic properties commission shall have, in addition to other remedies, those remedies available to historic district commissions as provided in section 7-147h.

(P.A. 84-286, S. 8.)

**Sec. 7-147x. Appeals.**

Any person or persons severally or jointly aggrieved by any decision of the historic properties commission or of any officer thereof may appeal such decision in the same manner and according to the same procedure as set forth in section 7-147i for appeals from the decisions of the historic district commissions.

(P.A. 84-286, S. 9.)

**Sec. 7-147y. Exempted acts. Delay of demolition.**

(a) Nothing in this part shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature within the boundaries of an historic property which does not involve a change in the appearance or design thereof; nor to prevent the erection or alteration of any such feature which the building inspector or a similar agent certifies is required by the public safety because of a condition which is unsafe or dangerous due to deterioration; nor to prevent the erection or alteration of any such feature under a permit issued by a building inspector or similar agent prior to designation of such historic property.

(b) If a building within the boundaries of an historic property is to be demolished, no demolition shall occur for ninety days from issuance of a demolition permit if during such time the historic properties

commission or the Connecticut Commission on Culture and Tourism is attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition. During such ninety-day period the municipality may abate all real property taxes. At the conclusion of such ninety-day period, the demolition permit shall become effective and the demolition may occur. Nothing in this section shall be construed to mandate that the owner of such property is under any obligation to sell such property or building.

(P.A. 84-286, S. 10; June 30 Sp. Sess. P.A. 03-6, S. 210(e); P.A. 04-20, S. 3; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30.)

History: June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism.



**CODE OF ORDINANCES**

**Town of**

**WESTPORT, CONNECTICUT**

**Codified through  
Ordinance of December 19, 2008.  
(Supplement No. 2)**

**Published by Order of the Representative  
Town Meeting**

**Adopted: April 18, 2008**

**Effective: July 1, 2008**

*[snip]*

**PREFACE**

This Code constitutes a recodification of the general and permanent ordinances of the Town of Westport, Connecticut.

Source materials used in the preparation of the Code were the 1981 Code, as supplemented through May 15, 2007, and ordinances subsequently adopted by the Representative Town Meeting. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1981 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

*[snip]*

**PART I CHARTER**

*[snip]*

**CHAPTER 29**

**Historic District Commission**

**§ C29-1. Composition and Appointment.**

The Historic District Commission shall consist of 5 members and 3 alternate members, who shall be

electors of the Town holding no salaried municipal office and appointed by the First Selectman.

**§ C29-2. Powers and Duties.**

The Historic District Commission shall have all the powers and duties conferred and imposed upon it by the General Statutes.

**§ C29-3. Terms of Office; Vacancies.**

The members and alternates of the Historic District Commission presently in office shall remain in office for the respective terms for which they were appointed and until their successors are appointed and have taken office. Thereafter, on the 4th Monday of November in each year, the First Selectman shall appoint 1 member to serve a 5 year term. On the 4th Monday of November, 1987, and at 5 year intervals thereafter, the First Selectman shall appoint 2 alternate members; and on the 4th Monday of November, 1990, and at 5 year intervals thereafter, the First Selectman shall appoint 1 alternate member, each such alternate to serve a 5 year term. Any vacancy created by any reason other than the expiration of a term shall be filled for the unexpired portion of the term in the same manner as the original appointment.

*[snip]*

**PART II CODE OF ORDINANCES, TOWN OF WESTPORT**

*[snip]*

**Chapter 38 HISTORIC PRESERVATION\***

**\*Editor's note:** The 1981 Code stated that this chapter was adopted on October 16, 1979 (with an effective date of October 31, 1979).

**State law references:** Historic preservation, C.G.S. § 7-147a et seq.

Article I. In General

Sec. 38-1. Historic District Commission.

Secs. 38-2 – 38-20. Reserved.

Article II. Specific Historic Districts and Landmarks

Sec. 38-21. North Kings Highway Area Historic District.

Sec. 38-22. Kings Highway North Area Historic District; extension.

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Sec. 38-23. Jesup Road Historic District.

Sec. 38-24. Historic landmark properties.

Sec. 38-25. Violet Lane Historic District.

Sec. 38-26. Gorham Avenue Historic District.

Sec. 38-27. 20 and 26 Momingside Drive South Historic District.

Sec. 38-28. Evergreen Avenue Historic District.

### ARTICLE I. IN GENERAL

#### Sec. 38-1. Historic District Commission.

(a) *Established.* A Historic District Commission is hereby established. The composition of the Commission, the qualifications and appointment of members and the terms of office are prescribed in Chapter 29 of the Town Charter.

(b) *Powers and duties.* The Historic District Commission shall have all the powers and duties prescribed for Historic District Commissions under C.G.S. §§ 7-147a-7-147k.

(Code 1981, §§ 63-4, 63-5)

Secs. 38-2--38-20. Reserved.

### ARTICLE II. SPECIFIC HISTORIC DISTRICTS AND LANDMARKS

#### Sec. 38-21. North Kings Highway Area Historic District.

(a) *Purpose, established.* In order to promote the educational, cultural, economic and general welfare of the Town and the public in general through the preservation and protection of buildings and places of historic interest, the North Kings Highway Area Historic District was established by ordinance, effective January 27, 1973, as revised by the ordinance from which this section is derived, pursuant to C.G.S. §§ 7-147a-7-147k.

(b) *Boundaries.* The legal boundaries of the district and the names of the owners of the properties to whom notice was given in forming the district are recorded in Volume 10 of the RTM Records, which information is specifically incorporated by reference into this article.

(c) *Record map.* The boundaries of the district are also shown on a map entitled, Historic District, Kings Highway North Area, Westport, Westport Land

Records Map 7085, which map is on file in the Town Clerk's office.

(Code 1981, §§ 63-1-63-3)

#### Sec. 38-22. Kings Highway North Area Historic District; extension.

(a) *Purpose.* The purpose of this section is to preserve and protect buildings and places of historic significance and their settings in the Town, recognizing them as landmarks in the history of the Town. For this purpose, there is hereby established a boundary extension onto the local historic district known as Kings Highway North Area Historic District, to be amended to include Lot B at 170 Post Road West, pursuant to C.G.S. §§ 7-147a through 7-147k.

**Editor's note:** The Kings Highway North Area Historic District was further extended by ordinance adopted February 20, 1990, effective March 2, 1990. A complete description of the extended boundary and the maps applicable thereto are on file in the Town Clerk's office.

(b) *Further extension of legal boundaries.* The Kings Highway North Area Historic District legal boundaries are further extended to include the property known as 5 Old Hill Road (described in the legislation from which this section is derived as Parcel One) and the property known as 6 Old Hill Road (described in the legislation from which this section is derived as Parcel Two), pursuant to C.G.S. § 7-147a et seq.

(Code 1981, §§ 63-7-63-8.1)

**Editor's note:** The 1981 Code stated that this section was adopted on February 1, 2000 (with an effective date of February 11, 2000).

#### Sec. 38-23. Jesup Road Historic District.

In order to promote the educational, cultural, economic and general welfare of the Town and the public in general through the preservation of buildings and places of historic interest, the Jesup Road Historic District is hereby established and shall exist in accordance with the provisions of C.G.S. §§ 7-147a through 7-147k. The legal boundaries of the Jesup Road Historic District were set forth in the ordinance adopted June 1, 1982, as follows: Commencing at a point on the southerly street line of Post Road East, so called, which point also marks the

northwesterly corner of land of the Westport Bank and Trust Company and a corner of land of the Town of Westport; thence running south 2°-32'-00" west 255.45 feet, more or less, along the boundary line between said land of the Westport Bank and Trust Company and said land of the Town of Westport to a point marking the southwesterly corner of said land of the Westport Bank and Trust Company and a corner of said land of the Town of Westport; thence continuing south 2°-32'-00" west 49.72 feet, more or less, across said land of the Town of Westport to a point on the northerly street line of Jesup Road, so called; thence running south 72°-00'-00" east 270.65 feet, more or less, along said street line to a point of curvature on said street line; thence continuing along said street line, following a curve to the right having a radius of 230 feet, a distance of 133.54 feet, more or less, to a point of tangency on said street line; thence continuing south 38°-44' east 17.97 feet, more or less, along said street line to a point on said street line; thence running north 16°-56' east across land of the Town of Westport about 135 feet to a point on the centerline of Deadman's Brook, which point also marks land now or formerly of Samuel C. Arkway, Arthur I. Feitelson and Norman Thomas; thence running southeasterly along said centerline, which centerline also marks the boundary line between said land now or formerly of Samuel C. Arkway, Arthur I. Feitelson and Norman Thomas and said land of the Town of Westport about 190 feet, more or less, to a point on said centerline, which point also marks a corner of said land now or formerly of Samuel C. Arkway, Arthur I. Feitelson and Norman Thomas and a corner of said land of the Town of Westport; thence running southerly across said land of the Town of Westport and across Jesup Road, partly by each, about 115 feet to a point of curvature on the southerly street line of Jesup Road, which point also marks the mean high water line on the northwesterly side of Deadman's Brook; thence running southwesterly and westerly along said high water mark about 340 feet to a point on said high water mark; thence running northerly across land of the Town of Westport, following a curve to the right having a radius of 500 feet, about 260 feet to a point; thence continuing north 14°-51' east 74.89 feet, more or less, across said land of the Town of Westport to a point on the southerly street line of Jesup Road, which point is north 72°-00'-00" west 43.00 feet from a point of curvature on said street line; thence running north 72°-00'-00" west 296.84 feet, more or less, along said street line to a point on

said street line; thence running north 2°-32'-00" east 51.88 feet, more or less, across Jesup Road to a point on the northerly street line of Jesup Road; thence continuing north 2°-32'-00" east 272.10 feet, more or less, across the first abovesaid land of the Town of Westport to a point on the southerly street line of Post Road East, the last two courses being parallel to and 80 feet, as measured at right angles, westerly of the first above described course; thence running north 84°-43'-59" east 80.02 feet, more or less along said street line to a point marking an angle in said street line; thence continuing north 87°-07'-00" east 0.68 feet, more or less, along said street line to the point and place of beginning.

(Code 1981, § 63-6)

**Editor's note:** The 1981 Code stated that this section was added on January 5, 1982 (with an effective date of January 15, 1982) and amended June 1, 1982 (with an effective date of June 11, 1982).

**Sec. 38-24. Historic landmark properties.**

(a) *Established; purpose.* The purpose of this section is to preserve and protect buildings and places of historic significance and their settings in the Town, recognizing them as landmarks in the history of the Town. For this purpose, there are hereby established local historic properties at:

- (1) The property at 5 Maple Lane, to be known as the Morehouse Jennings Historic Property.
- (2) Adams' Academy at 15 Momingside Drive North, to be known as the Adams' Academy Historic Property.
- (3) The property at 250 Greens Farms Road, to be known as the Machamux (also known as Maximus) Boulder-West Parish Common Historic Property.
- (4) The property at the northeast corner of Greens Farms Road and Sherwood Island Connector, to be known as the Greens Farms (West Parish) Colonial Church Historic Property.
- (5) The property and building at 18 West Parish Road, to be known as the Edward Burr/Capt. Thomas Nash House.
- (6) The open space park between Main Street and Myrtle Avenue, to be known as Veterans' Green.

**Editor's note:** The 1981 Code stated that this subsection was amended on November 12, 2003

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(with an effective date of November 21, 2003).

(7) The property and building at 151 Easton Road, to be known as the Easton Road Toll House/Goodsell/Grumman/McCoy House.

**Editor’s note:** The 1981 Code stated that this subsection was added on April 3, 2001 (with an effective date of April 13, 2001).

(8) The 2.22 acre property and buildings at 134 Cross Highway, to be known as Wakeman Farm.

**Editor’s note:** The 1981 Code stated that this subsection was added on November 12, 2003 (with an effective date of November 21, 2003).

(9) A portion of the property located at 99 Myrtle Avenue and the building thereon to be known as the Emily McLaury House. The portion of said property is also shown as part of a larger parcel more particularly shown on that certain map recorded in the land records of the Town of Westport as Map No. 4417, entitled Map Prepared For Rose Kraft, Westport, Conn., April 1956, Scale 1" = 40'. The portion of the property to receive historic designation, comprising 0.219 acres, more or less, of the whole, is located at the northerly end of the overall parcel and is more particularly described as follows: beginning at the north-easterly corner of the property, as adjoins Myrtle Avenue and that property formerly owned by Peggy Vankirk Reid, and extending thence: South 31°-09'-10", West a distance of 80.00', North 56°-44'-20", West a distance of 113.41', North 18°-42'-50", East a distance of 64.64', North 82°-40'-40", East a distance of 15.92', South 85°-37'-30", East a distance of 14.55', South 56°-44'-20", East a distance of 101.88', to the point of the beginning.

**Editor’s note:** The 1981 Code stated that this subsection was added on November 15, 2005 (with an effective date of December 2, 2005).

(10) The property and building at 113 Cross Highway to be known as The Meeker Elwood House and Cross Highway Garage situated in the Town of Westport, County of Fairfield and State of Connecticut, in quantity 1.67 acres and being shown and designated as Lot 1 on the map entitled Survey Prepared for John Mackle Westport, Connecticut, July 1957, Scale 1" = 60', which map is on file in the Town Clerk's office as

Map No. 4464.

**Editor’s note:** The 1981 Code stated that this subsection was added on December 5, 2006 (with an effective date of December 15, 2006).

(11) The property and buildings at 88 Roseville Road, to be known as the Batterson-Brotherton House, situated in the Town of Westport, County of Fairfield and State of Connecticut, containing in area one-half acre, more or less, and being bounded and described as follows:

TABLE INSET:

Northerly	By land now or formerly of William F. Meyer, III, and Margarethe D. Meyer, and by land now or formerly of Leopold A. French and Nancy H. French, each in part, 244 + feet;
Easterly	By land now or formerly of Robert L. Ferris and Patricia S. Ferris, 94 + feet;
Southerly	By land now or formerly of Donald J. Lomme and Alice F. Lomme, 233 + feet; and
Westerly	By a highway known as Roseville Road, 93 + feet.

Such historic properties are established by ordinance, pursuant to C.G.S. ch. 97a (C.G.S. § 7-147a et seq.).

(Ord. of 7-10-2007)

(12) The property to be known as the "Lower Green’s Farms Colonial Burying Ground", situated in the Town of Westport, County of Fairfield and State of Connecticut, in quantity 3.28 acres, said cemetery being located at the southeast corner of the intersection of Green’s Farms Road and Sherwood Island Connector, shown and designated as "(Cemetery)" on map entitled "Map of Stauffer Chemical Company Office Complex in Westport, Connecticut" by Leo Leonard, Surveyor, dated June 3, 1985 on file in the Westport Town Clerk’s Office as Map No. 8291.

(Ord. of 10-24-2008)

(b) *Legal description.* A legal description of

**APPENDIX B**

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each historic property is available in the Town Clerk's office.

**Editor's note:** The 1981 Code stated that this subsection was added on April 3, 2001 (with an effective date of April 13, 2001).

(Code 1981, § 63-9)

**Editor's note:** The 1981 Code stated that this section was added on December 5, 1989 (with an effective date of December 15, 1989).

(13) The property and building at 4 Burritt's Landing North to be known as the Allen House, situated in the Town of Westport, County of Fairfield and State of Connecticut, designated as Lot No. 11-A on a certain map entitled "Revised Lots #4, #5, #6, #11 and #12, Map of Property Prepared for Alan H. Senie, Westport, Conn., Sept. 1956, Scale 1"=50', Certified Substantially Correct, Martin J. Capasse, Westport, Connecticut, Surveyor", which map is on file in the Land Records of the Town of Westport as Map No. 4308.

(14) The property and buildings at 81 Clapboard Hill Road, to be known as the Morehouse Taylor House, situated in the Town of Westport, County of Fairfield and State of Connecticut, comprising the greater Southerly portion of a 3.01 acre parcel as shown on a map entitled "Map of Property Surveyed for Lewis E. Welsh, Westport, Conn., Feb. 1946, Scale 1"-60' by W. J. Wood, Jr., C.E.", said map being on file in the Westport Town Clerk's office as Map No. 2043. Said parcel being bounded and described as follows:

Beginning at a point in the Northerly line of Clapboard Hill Road, which point is the Southeasterly corner of said 3.01 acre parcel on said map;

Thence Westerly along the Northerly street line of Clapboard Hill Road, N75°41'50"W 137.06 feet and N77°24'20"W 97.82 feet;

Thence Northerly by a jog to the North along Clapboard Hill Road, N16°46'40"W 6.89 feet;

Thence N8°48'50"W along the 4.04 acre parcel on said map 509.80 feet;

Thence S61°46'00"E along the lesser Northerly portion of said 3.01 acre parcel on said map 220.59 feet;

Thence Southerly along land formerly of John H. Galaske, but now of William H. Wiehl, the following courses and distances: S13°21'10"E 81.0 feet; S14°34'10"E 155.60 feet; S13°11'40" E 99.62 feet; S14°46'20"E 98.64 feet; and S11°53'10"E 21.29 feet; and

Thence again S11°53'10"E along a jog along Clapboard Hill Road 19.0 feet to the point of beginning,

Said parcel contains 2.18 acres.

**Sec. 38-25. Violet Lane Historic District.**

(a) *Purpose; established.* In order to promote the educational, cultural, economic and general welfare of the Town and the public in general through the preservation of buildings and places of historic interest, the Violet Lane Historic District is hereby established and shall exist in accordance with the provisions of C.G.S. §§ 7-147a through 7-147k.

(b) *Boundaries.* The district shall include the following:

(1) The premises situated in the Town of Westport, County of Fairfield, State of Connecticut, shown as Lots 2, 3 and 5 on Map of Property of W. J. Wood, Westport, Conn., May 1936, Scale 1" = 30', on file in the Town Clerk's office as Map No. 1136; and

(2) The premises situated in the Town of Westport, County of Fairfield, State of Connecticut, shown on Map of Property prepared for Charles & Renee Vesty Westport, Conn., Scale: 1" = 30' – December 17, 1991, on file in the Town Clerk's office as Map No. 8919; and

(3) That portion of the right-of-way known as Violet Lane as shown on Map No. 1136, which extends northeasterly beyond the property line dividing Lots 1 and 2 on said map.

(Code 1981, §§ 63-10, 63-11)

**Editor's note:** The 1981 Code stated that this section was added on November 15, 2005 (with an effective date of December 2, 2005).

**Sec. 38-26. Gorham Avenue Historic District.**

(a) *Purpose; establishment.* In order to promote the educational, cultural, economic and general welfare of the Town and the public in general through the preservation of buildings and places of historic



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interest, the Gorham Avenue Historic District is hereby established and shall exist in accordance with the provisions of C.G.S. §§ 7-147a through 7-147k.

(b) *Boundaries.* The district shall include the following: The premises situated in the Town of Westport, County of Fairfield, State of Connecticut, shown as Lots 119 through 131; Lot 161C; and Lots 164 through 174 on a map entitled Gorham Avenue Historic District, prepared for the Town Historic District Commission, Town Hall, Westport, Connecticut, scale of 1" = 50', May 15, 2006, prepared by Leonard Surveyors, LLC, on file in the Town Clerk's office as Map No. 9757.

(c) *Boundary extension.* The boundaries of the Gorham Avenue Historic District are extended to include the following:

(1) The premises situated in the Town of Westport, County of Fairfield, State of Connecticut, shown as Lots 5, 6, 7, and 30 on a certain map entitled "Map of Lots in Westport, Conn. Belonging to Beers Bros., Henry R. Minor, Surveyor, Scale: 50' = 1", 1908" on file in the Westport Town Clerk's Office as Map No. 89B; and

(2) The premises situated in the Town of Westport, County of Fairfield, State of Connecticut, shown as Lot 29 on a certain map entitled "Map of Lots in Westport Conn. Belonging to Beers Bros., Henry R. Minor, Surveyor Scale: 50' = 1", 1908" on file in the Westport Town Clerk's Office as Map No. 89B together with the parcel shown on a certain map entitled "Map Showing Change in West Line of Property of Elsie Waess, Westport, CT.", dated July 1921 and on file in the Westport Town Clerk's Office as Map No. 218 to which map reference is hereby made being bounded and described as follows: Northerly: By Lot No. 27, as shown on said map, 31.87 feet; Easterly: By the remaining portion of Lot No. 28, 203.97 feet; Westerly: By Lots Nos. 29, 31 and a portion of Lot No. 32, as shown on said map, 220 feet; and

(3) The portion of the raceway and land adjoining thereto situated south of Canal Street, together with the portion of the stream situated south of Canal Street as shown on map entitled "Map Prepared for Lees Mfg. Co., Westport, Conn., July & Aug. 1929, May 1930 & Jan. 1955, Scale 1" = 100' Certified 'Substantially Correct', W. J.

Wood, Jr., Civil Eng. and Surveyor, section 2 of 2 Maps" on file in the Town Clerk's Office as Map 3926; and

(4) That certain tract, piece or parcel of land, situated in the Town of Westport, County of Fairfield, State of Connecticut as more particularly described in a certain quitclaim deed recorded on December 30, 2002, in volume 2114 at page 289 of the Westport Land Records.

(Code 1981, §§ 63-12, 63-13; Ord. of 11-30-2007)

**Editor's note:** The 1981 Code stated that this section was added on July 11, 2006 (with an effective date of July 21, 2006). Subsequently, Ord. of November 30, 2007, amended the Code by adding provisions designated as Ch. 63, Art. VII, § 63-14. For purposes of classification, said provisions have been included herein as § 38-26(c). See also the Code Comparative Table.

### **Sec. 38-27. 20 and 26 Morningside Drive South Historic District.**

(a) *Purpose, establishment.* In order to promote the educational, cultural, economic and general welfare of the Town of Westport and the public in general through the preservation of buildings and places of historic interest, the 20 and 26 Morningside Drive South Historic District is hereby established and shall exist in accordance with the provisions of C.G.A. §§ 7-147a through 7-147k inclusive, as the same may be amended from time to time.

(b) *Boundaries.* The district shall include the following: The premises situated in the Town of Westport, County of Fairfield, State of Connecticut, shown as parcel A and parcel B on a certain map entitled "Map of Property prepared for Walter Einsel and Naiad Einsel, Westport, Connecticut", Scale 1" = 40' dated June 29, 1988, Certified "Substantially Correct" by Ryan and Faulds Land Surveyors, Wilton, Connecticut, on file in the Westport Town Clerk's Office as Map No. 8695.

(Ord. of 3-21-2008)

**Editor's note:** Ord. of November 30, 2007, amended the Code by adding provisions designated as Ch. 63, Art. VII, §§ 63-14, 63-15. For purposes of classification, said provisions have been included herein as § 38-27. See also the Code Comparative Table.

**Sec. 38-28. Evergreen Avenue Historic District.**

(a) *Purpose; establishment.* In order to promote the educational, cultural, economic and general welfare of the Town of Westport and the public in general through the preservation of buildings and places of historic interest, the Evergreen Avenue Historic District is hereby established and shall exist in accordance with the provisions of C.G.S. §§ 7-147a through 7-147k.

(b) *Boundaries.* The district shall include the following: The premises situated in the Town of Westport, County of Fairfield, State of Connecticut, shown as Lots 48, 49, 58, 59, 60, 76, 82; Lots 10 through 20; and Lots 69 through 74 on a map entitled Evergreen Avenue Historic District, prepared for Westport Historic District Commission, Town Hall, Westport, Connecticut, scale of 1" = 60', September 24, 2008, prepared by Leonard Surveyors, LLC, on file in the Westport Town Clerk's office as Map No. 9902.

(Ord. of 10-29-2008)

**Editor's note:** Ord. of October 29, 2008, added provisions designated as § 38-27. Inasmuch as there already exists a section so numbered, to avoid duplication, said provisions have been redesignated to read as herein set out.



**ARTICLE II. DEMOLITION PERMITS\***

**\*Editor's note:** An ordinance adopted Aug. 5, 2008, and effective Aug. 27, 2008, amended Art. II, § 14-21, in its entirety to read as herein set out. Former Art. II, § 14-21, pertained to the same subject matter and derived from § 17-2 of the 1981 Code, which had been adopted April 1, 1986, with an effective date of April 11, 1986.

**State law references:** Demolition, C.G.S. § 29-401 et seq.

**Sec. 14-21. Purpose.**

The purpose of this ordinance is to authorize the Town of Westport, as allowed by C.G.S. § 29-406(b), to impose a waiting period of not more than 180 days before granting a demolition permit for certain structures of architectural, historical, or cultural importance. The objective of this ordinance is to promote the cultural, economic, educational and general welfare of the Town of Westport by establishing a process whereby the owners of buildings with significant historic, architectural or cultural characteristics will be informed of the benefits of historic preservation, rehabilitation and reuse of such buildings and structures. The waiting period will provide time for all interested parties to consider and put forth alternatives to demolition.

(Ord. of 8-27-2008)

**Sec. 14-22. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Demolition.* Any wrecking activity directed to the disassembling, dismantling, dismembering and/or razing of any building or structure or part thereof. Demolition shall not be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in the appearance or design thereof.
- (b) *Part* thereof. Fifty percent or more of a building or structure 500 square feet in size or larger including areas on ground level and above.

(Ord. of 8-27-2008)

**Sec. 14-23. Permit required, generally.**

- (a) No person shall demolish any building, structure, or part thereof without first obtaining a permit

from the Building Official.

- (b) No such permit shall be issued until the applicant:

- (1) Complies with the provisions of C.G.S. § 29-406(a), and
- (2) Complies with the provisions of Section 14-24 hereof if the building, structure or part thereof is 500 square feet in size or larger and 50 years old or more.

(Ord. of 8-27-2008)

**Sec. 14-24. Requirements and procedure for demolition of particular structures.**

With respect to any application to demolish a building, structure or part thereof which is 500 square feet in size or larger and 50 years old or more, in addition to the applicant's complying with the provisions of Section 14-23(b)(1) hereof, prior to the issuance of a demolition permit,

- (a) The applicant shall:

- (1) File an application for a demolition permit with the Building Department upon a form provided by the Town which form shall contain, in addition to such other information as may be required, the name and address of the owner of the building or structure to be demolished and the address, age and square footage of the building or structure to be demolished. Verification of both size and age shall be provided by the applicant. If the age of the building or structure is unknown, not indicated, or in dispute, it shall be assumed to be at least 50 years old or more for the purpose of this article.

- (2) Publish a "Notice of Intent to Demolish" in a newspaper having substantial circulation in the town. Such notice shall include the information required in Section 14-24(a)(1) and shall state that an application for a permit to demolish has been filed in the office of the Town Building Official, the date of the filing and that such application is currently pending and available for public inspection. The notice shall be published within seven days following the filing of the demolition permit application.

- (3) Notify by mail, within seven days following the filing of the demolition permit application, the owners of all property abutting and across the

street from the property on which the building(s) or structure(s) to be demolished is located.

(4) Within seven days following the filing of the demolition permit application, post in a conspicuous location on the property on which the building or structure is situated a sign at least 24 inches by 36 inches in size, visible from the nearest public or private street. Such sign shall include a copy of the notice of intent to demolish and shall contain the word "DEMOLITION" in capital letters no less than two inches in height. If there is more than one building or structure proposed for demolition, one sign shall be posted with respect to each building or structure. If the permit is issued, signs required hereunder shall remain posted on the property for 15 days after such issuance.

(b) The Building Official shall, within seven days following the filing of the demolition permit application, notify by mail any organization concerned with the preservation of buildings or structures within the Town and any organization concerned with the social and economic development of the neighborhood in which the building or structure is located. To be entitled to notification under this provision, any such organization shall register with the Building Official and indicate a desire to be notified of demolition permit applications affecting its area of concern.

(Ord. of 8-27-2008)

### **Sec. 14-25. Waiting period.**

A waiting period of 180 days following the date upon which the Building Official receives an application for a demolition permit shall be imposed on the demolition of any building or structure which is subject to the provisions of Section 14-24 hereof. If the Building Official receives no opposition to the issuing of the demolition permit from any party registered with said Building Official within 35 days of notification to such party, the balance of the waiting period will be waived.

(Ord. of 8-27-2008)

### **Sec. 14-26. Historic districts or historic properties.**

Buildings or structures located in designated historic districts or designated historic properties are also governed by C.G.S. Ch. 97a.

(Ord. of 8-27-2008)

### **Sec. 14-27. Exception.**

Public safety. The provisions of this article shall not apply to orders issued by the Director of the Health District or the Building Official for emergency application because of a threat to public health and/or safety.

(Ord. of 8-27-2008)

### **Sec. 14-28. Provisions supplemental.**

This article is intended to supplement and not to limit any requirements now or hereinafter imposed on any applicant for or a recipient of a permit and to supplement and not to limit any authority now or hereafter granted to the Building Official by the State Building Code and the State Demolition Code.

(Ord. of 8-27-2008)

**BY-LAWS OF THE WESTPORT HISTORIC DISTRICT COMMISSION**

These by-laws have no bearing upon the conduct of any public hearing or executive session. These by-laws are only for the use of the Commission in conducting its internal business. No provision of these by-laws is intended to conflict with any provision of the Town Charter and/or the General Statutes of the State of Connecticut and in case of such conflict the Town Charter and/or the General Statutes shall prevail. In the absence of an applicable by-law provision, Robert's Rules of Order shall apply.

**ARTICLE I – COMPOSITION AND APPOINTMENT**

The Historic District Commission shall consist of five (5) members and three (3) alternate members, who shall be electors of the Town of Westport, to be appointed by the First Selectman.

**ARTICLE II – MEETINGS**

**1. Regular Meetings**

Regular meetings of the Commission shall be held monthly. The schedule of meetings for the coming year will be filed with the Town Clerk by January 31. Advance announcement of the meetings and the agenda thereof shall be sent to all members and alternates and to the Town Clerk. Quarterly meetings and all Certificates of Appropriateness hearings shall also be noticed in a local newspaper not more than 15 days or less than 5 days before such hearing.

**2. Special Meetings**

Special meetings may be held at the call of the chairman or at the request of any two members of the Commission. Notice of such meetings shall be filed with the Town Clerk at least 24 hours in advance specifying business to be transacted.

**3. Executive Session**

Executive sessions may be called only for purposes permitted by State Statute, and upon affirmative vote of two-thirds of the members present and voting.

**4. Emergency Meetings**

Emergency meetings may be called by the chairman or at the request of a member of the

Commission.

**ARTICLE III – OFFICERS**

A chairman, vice-chairman and clerk shall be elected at the first quarterly meeting taking place after appointments to the Commission are made by the First Selectman in November. Nominations for officers shall be discussed in December. Election shall be by majority vote. All officers shall serve for one year, or until their successors are elected.

**ARTICLE 4 – QUORUM**

Three members of the Commission shall constitute a quorum for the purpose of conducting business of the Commission. When less than five members are present, the chairman may appoint the number of alternates required to make a full Commission. The alternates shall be chosen to serve in rotation. The alternates so appointed have the right to vote in all matters before the Commission at that meeting. At those meetings of the Commission at which the election of officers is to take place or the boundaries of a proposed historic district are to be determined, the required quorum shall be five, at least three of whom are members.

**ARTICLE V – ATTENDANCE**

Any member or alternate who fails to attend three consecutive meetings, or who fails to attend at least 50% of the meetings during the year, may be asked to resign upon notification by the Commission to the First Selectman.

**ARTICLE VI – AMENDMENT**

These by-laws may be amended from time to time at any meeting of the Commission by majority vote. Notice of proposed revisions shall be presented in writing one month in advance to all members and alternates. These by-laws are subject to the Westport Historic District Commission Regulations and Procedures.

*Adopted May 1973. Amended September 1977. Amended May 1994. Amended December 1995.*



## APPENDIX E

# NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

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### National and State Registers of Historic Places

Listing on the *National and State Registers of Historic Places* is frequently, though not necessarily, the first step in documenting historic resources. While designation on these registers offers a historic resource only limited protection, it is of significant value to comprehensive planning purposes.

Designation under the either register does not directly enable any jurisdictional authority of the Historic District Commission (HDC). However, such designation does impact on the application of other town jurisdictions. For instance, any residence on either register is further designated as a "historic residential structure" as governed under the *Westport Zoning Regulations*. Modifications to building and fire safety codes, flood plain regulations, and the *American Disabilities Act*, are also all available for any structure listed on either *State* or *National Register*. Finally, any income producing property listed on the *National Register* is eligible for IRS and state rehabilitation tax credits. Certain residential structures are also eligible for state rehabilitation tax credits.

Any property listed, or deemed eligible for listing, on the *National* or *State Register of Historic Places* is protected from any development project financed in any part by federal or state sources. Such funding may be for economic development, roadway construction, public works, and many other reasons. Any project so funded which may adversely impact on an historic resource must demonstrate that there is no "prudent alternative", in which case such adverse impact must be mitigated in reasonable fashion. It should be noted that any property deemed eligible for the *National* or *State Registers* is afforded the same protection as one already listed thereon. It is the responsibility of the agency proposing a state or federally funded project to identify any and all eligible properties which may be so impacted. Note that potential archaeological sites are similarly protected.

An historic property may be listed individually on the *National* or *State Register of Historic Places*, or may be listed as one of a group of properties as part of a larger historic district. Either way, an historic property is offered equal status as a designated historic resource. Presently, the following Westport historic districts have been entered on the *National Register of Historic Places*:

- Compo/Owenoke Historic District
- Kings Highway North Historic District
- Mill Cove Historic District
- National Hall Historic District
- Merritt Parkway

Similarly, the following Westport properties have been individually entered on the *National Register*:

- Bradley-Wheeler House and Barn
- Godillot Place(Lyman Building)
- Green's Farms School
- Saugatuck River Bridge (CT Rte. 136)
- Saugatuck River RR Bridge
- Shambaugh House
- Old Town Hall
- Westport Bank and Trust Company

The above districts and properties, by virtue of listing on the *National Register*, are also listed on the *State Register of Historic Places*. In addition, the following district and seventeen extant properties are currently listed on the *State Register*:

- Myrtle Avenue Historic District
- Brinkerhoff Place
- Burrow House
- William Cole House
- Samuel Coley House
- Finch House
- Green's Farms Congregational Church
- John Hyde House
- Inn at National Hall
- J. Jennings House
- Lewis Burr Fillow House
- Martin Estate
- Westport Country Playhouse
- William Wood Estate

The National Park Service (NPS) has developed criteria to guide both state and local governments in evaluating potential entries in the National Register. These guidelines are equally useful for identifying potential Local Historic Districts and Properties. Quoting the NPS, qualifying significance can include the following:

- *American history*
- *Architecture*
- *Archaeology*
- *Engineering*
- *Culture*

Eligible properties can include:

- *Districts*



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- *Sites*
- *Buildings*
- *Structures*
- *Objects*

Eligible properties must possess integrity of:

- *Location*
- *Design*
- *Setting*
- *Materials*
- *Workmanship*
- *Feeling*

Eligible properties are limited to those that:

- *Are associated with events that have made a significant contribution to the broad patterns of our history; or*
- *Are associated with the lives of persons significant in our past; or*
- *Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- *Have yielded or may be likely to yield, information important to prehistory or history.*

The following types of property are eligible for individual listing only under special circumstances:

- *Cemeteries*
- *Birthplaces of historical figures*
- *Graves of historical figures*
- *Religious institutions*
- *Structures that have been moved from original locations*
- *Reconstructed historic buildings*
- *Properties primarily commemorative in nature*
- *Properties that have achieved significance within the past 50 years*

Such special circumstance properties may be listed by right on the *National Register* if they are a contributing part of a larger historic district. Special circumstance individual properties that are deemed eligible include:

- *A religious property deriving primary significance from architectural or artistic distinction or historical importance; or*
- *A building or structure removed from its original*

*location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or*

- *A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or*
- *A cemetery which derives its primary importance from graves of persons of transcendent importance, from age, from distinctive features, or from association with historic events; or*
- *A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or*
- *A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or*
- *A property achieving significance within the past 50 years if it is of exceptional importance.*

In consideration of the above qualifications, many areas of town have been cited in Part 5 of this handbook as potentially eligible for the *National* and *State Registers of Historic Places* as Historic Districts. *National* and *State Register* nominations of individual properties can also be accomplished as a group, apart from any district, based on thematic significance. Again, possible thematic nominations have been cited in Part 5.

**SECRETARY OF INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES**

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**Standards for Preservation**

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

**Standards for Rehabilitation**

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

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### Standards for Restoration

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

### Standards for Reconstruction

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

**Federal**

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**National Park Service**

**Division of Heritage Preservation Services**

1849 C Street NW  
Washington, DC 20005  
202. 513.7270  
[www.nps.gov/hps](http://www.nps.gov/hps)

**Maritime Heritage Program**

202.354-2260  
[www.nps.gov/history/maritime](http://www.nps.gov/history/maritime)

**United States Department of Agriculture**

**Office for Small Scale Agriculture**

Washington, DC

**United States Department of Commerce**

**Economic Development Administration**

450 Main Street  
Hartford, CT  
203.240.3256

**United States Department of Housing & Urban**

**Development ~ Director of Community  
Development**

330 Main Street  
Hartford, CT  
(203.240.4514

**United States Small Business Administration**

330 Main Street  
Hartford, CT  
203.240.4644

**State**

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**Office of State Archaeology**

2019 Hillside Rd., Unit 1023  
Connecticut Archaeology Center  
Connecticut State Museum of Natural History  
University of Connecticut  
Storrs, CT 06269

**Connecticut Coastal Area Management Office**

Department of Environmental Protection  
Hartford, CT 06106  
860.566.7404

**Connecticut Commission on the Arts**

227 Lawrence Street  
Hartford, CT 06106  
860.566.4770

**Connecticut Commission on Culture & Tourism  
Historical Preservation & Museum Division**

One Constitution Plaza  
Hartford, CT 06103  
860.256.2800  
[www.cultureandtourism.org](http://www.cultureandtourism.org)

**Connecticut Department of Agriculture**

**Farmland Preservation Program**

165 Capitol Avenue  
Hartford, CT  
860.713.2511  
[www.ctgrown.gov](http://www.ctgrown.gov)

**Connecticut Department of Economic Development**

865 Brook Street  
Rocky Hill, CT 06067  
**Community Assistance** – 860.258.4219  
**Connecticut Economic Development Corporation**  
– 860.258.4313  
**Marketing & Tourism** – 860.258.4239  
**Small Business Services** – 860.258.4276

**Connecticut Department of Environmental Protection**

165 Capitol Avenue  
Hartford, CT 06106  
**Conservation & Preservation Division**  
860. 566.5599  
**Indian Affairs Division**  
860. 566.5193  
**Land Acquisition & Management Division**  
860.566.2904  
**Parks & Recreation Division**  
860.566.2304

**Connecticut Department of Housing**

**Small Cities Program**

505 Hudson Street  
Hartford, CT  
860.566.5310

**Connecticut Department of Policy & Management**

**Physical Resources Planning**

80 Washington Street  
Hartford, CT  
860.566.8341

**Connecticut Department of Public Works**

165 Capitol Avenue  
Hartford, CT 06106  
860. 566.3360

**Connecticut Department of Transportation**

**Bureau of Highways**

24 Wolcott Hill Road  
Wethersfield, CT  
860.566.3854

**Connecticut Historic Preservation Board**

One Constitution Plaza  
2nd Floor  
Hartford, CT 06103

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### **Connecticut Historic Preservation Collection**

*Special Collections Department  
Homer D. Babbidge Library  
University of Connecticut  
Storrs, CT 06268  
860.486.2524*

*203.341.1000*

### **Westport Historic District Commission**

*Town Hall, Room 108  
110 Myrtle Avenue  
Westport, CT 06880  
203.341.1184*

### **Connecticut Museum of Natural History**

*Special Collections Department  
University of Connecticut  
Storrs, CT 06268  
860.468.5248*

### **Westport Housing Authority**

*5 Canal Street  
Westport, CT 06881  
203.227.4672*

### **Connecticut State Archives**

**History & Genealogy**  
*Connecticut State Library  
231 Capitol Avenue  
Hartford, CT 06106  
860.566.3692*

### **Westport Parks & Recreation Department**

*260 South Compo Road  
Westport, CT 06880  
203.341.5090*

### **Museum of Connecticut History**

*Connecticut State Library  
231 Capitol Avenue  
Hartford, CT 06106  
860.566.3056*

### **Westport Planning & Zoning Department**

*Town Hall, Room 203  
110 Myrtle Avenue  
Westport, CT 06880  
203.341.1030*

### **Westport Public Site & Building Commission**

*Town Hall  
110 Myrtle Avenue  
Westport, CT 06880  
203.341.1000*

## **Municipal**

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### **Westport Architectural Review Board**

*c/o Town Hall  
110 Myrtle Avenue  
Westport, CT 06880  
203.341.1000*

### **Westport Department of Public Works**

*Town Hall, Room 210  
110 Myrtle Avenue  
Westport, CT 06880  
203.341.1120*

### **Westport Arts Advisory Council**

*c/o Town Hall  
110 Myrtle Avenue  
Westport, CT 06880  
203.341.1000*

### **Westport Public Library**

*Arnold Bernhard Plaza  
20 Jesup Road  
Westport, CT 06880  
203.291.4800*

### **Westport Beautification Committee**

*c/o Town Hall  
110 Myrtle Avenue  
Westport, CT 06880  
203.341.1000*

### **Westport Building Department**

*515 Post Road East, 2<sup>nd</sup> Floor  
Westport, CT 06880  
203.341.5025*

### **Westport Conservation Department**

*Town Hall, Room 205  
110 Myrtle Avenue  
Westport, CT 06880  
203.341.1170*

### **Westport Harbor Committee**

*c/o Town Hall  
110 Myrtle Avenue  
Westport, CT 06880*

## National

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### Advisory Council on Historic Preservation

1100 Pennsylvania Avenue NW, Suite 803  
Washington, DC 20004  
202.606.8503  
[www.achp.gov](http://www.achp.gov)

### American Association for State and Local History

172 Second Avenue North  
Nashville, TN 37201  
615.255.2971  
[www.aaslh.org](http://www.aaslh.org)

### American Farmland Trust

1200 18th Street NW, Suite 800  
Washington, D.C. 20036  
202.331.7300  
[www.farmland.org](http://www.farmland.org)

### American Institute of Architects

1735 New York Avenue, NW  
Washington, DC 20006  
202-626-7300  
[www.aia.org](http://www.aia.org)

### American Planning Association

1776 Massachusetts Ave., NW Suite 400  
Washington, DC 20036-1904  
202.872.0611  
[www.planning.org](http://www.planning.org)

### American Society of Landscape Architects

636 Eye Street, NW  
Washington, DC 20001  
202-898-2444  
[www.asla.org](http://www.asla.org)

### Historic New England

141 Cambridge Street  
Boston, MA 02114  
617.227.3956  
[www.historicnewengland.org](http://www.historicnewengland.org)

### National Building Museum

401 F Street NW  
Washington, DC 20001  
202.272.2448  
[www.nbm.org](http://www.nbm.org)

### National Maritime Historical Society

5 John Walsh Boulevard  
Peekskill, NY 10566  
914.737.7878  
[www.seahistory.org](http://www.seahistory.org)

### National Trust for Historic Preservation

1785 Massachusetts Avenue, NW  
Washington, DC 20036  
202.588.6000  
[www.preservationnation.org](http://www.preservationnation.org)

### Society of Architectural Historians

1365 North Astor Street  
Chicago, Illinois 60610  
312.573.1365  
[www.sah.org](http://www.sah.org)

### Society for Historical Archaeology

9707 Key West Avenue, Suite 100  
Rockville, MD 208301.990.2454

## State

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### Antiquarian & Landmarks Society

255 Main Street  
Hartford, CT 06106  
860.247.8996  
[www.ctlandmarks.org](http://www.ctlandmarks.org)

### Connecticut Farmland Trust

77 Buckingham Street  
Hartford, CT 06106  
860.247.0202  
[www.ctfarmland.org](http://www.ctfarmland.org)

### Connecticut Historical Society

1 Elizabeth Street  
Hartford, CT 06105  
860.236.5621  
[www.chs.org](http://www.chs.org)

### Connecticut Trust for Historic Preservation

940 Whitney Avenue  
Hamden, CT 06517  
203.562.6312  
[www.cttrust.org](http://www.cttrust.org)

### Nature Conservancy, Connecticut Chapter Connecticut Land Conservation Council

55 High Street  
Middletown, CT 06457  
860.344.0716  
[www.nature.org/wherework/northamerica/  
states/connecticut](http://www.nature.org/wherework/northamerica/states/connecticut)

## Local

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### Fairfield Museum & History Center

370 Beach Road  
Fairfield, CT  
203.259.1598  
[www.fairfieldhs.org](http://www.fairfieldhs.org)

### Westport Historical Society

25 Avery Place  
Westport, CT 06880  
203.222.1424  
[www.westporthistory.org](http://www.westporthistory.org)



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- McCahon, Mary Elizabeth. *Historic & Architectural Survey of Westport*. Hartford, CT: Connecticut Historical Commission, 1988 (townwide survey EXCLUSIVE of previously documented properties).
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