

Sec. 14-21. - Purpose. **FOR REFERENCE**

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.

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**Draft of Westport HDC Application Policy for Demolition Waiver of the full 180-Day Delay authorized by Chapter 14 of the Westport Town Ordinances for Structures larger than 500 square feet in size and over 50 years old.**

In the interest of fairly and equitably treating all applicants to the Westport Historic District Commission (“HDC”) for waiver of the automatic 180-day delay before a demolition permit may issue for structures over 500 square feet and over 50 years old, the HDC hereby clarifies its standard for consideration of granting such waiver pursuant to Sections 14-24 and 14-25 of the Town Ordinances.

1. The stated purpose of the ordinance is to impose a waiting period of not more than 180 days that will provide time for all interested parties to consider and put forth alternatives to demolition.
2. HDC recognizes that if a property owner does *not* request a waiver of the delay, no public hearing is required for the property and that HDC cannot compel a property owner to appear to discuss options for the property. In light of this, HDC recognizes that a general perception that HDC will uphold delays in all cases may simply cause property owners to apply for a permit and then wait out the delay. Without a public meeting, there will effectively be no opportunity for alternatives to be considered.
3. HDC must be convinced that the structure in question does not have significant remaining historic, architectural, or cultural characteristics that would warrant the consideration of alternative options to demolition.
4. Should HDC determine that the structure in question *does* have significant remaining historic, architectural, or cultural characteristics, applicants will not initially be granted a waiver.
5. Applicants requesting that HDC rescind its opposition to granting a waiver are expected to provide evidence supporting the fact that a good faith effort has been made to try to save the structure. Arguments that are not considered in the above deliberations are:
  - a. Financial hardship
  - b. Owner/contractor convenience
  - c. Pre-emptive statements by the owner that they will not seek alternatives to total demolition
6. Removal of existing architectural features prior to filing for a demolition permit—or after filing for a demolition permit—is viewed very unfavorably by HDC.

7. HDC recognizes that postwar structures in many cases do not include elements readily seen as having intrinsic value. In many cases, the original features have been removed or replaced over time—or inappropriate or out of scale additions have been made—thus making them likely candidates for waivers. However, a postwar structure with most of its original features intact is a less likely candidate for a waiver.
8. HDC recognizes that suburban housing developments are an important part of Westport’s history and aims to preserve them. This starts with encouraging the sensitive renovation and/or expansion of existing structures. However, should a significant number of neighboring residents be in support of granting a demolition waiver for a specific structure in a development, HDC will take this into consideration.
9. For pre-WW2 structures possessing significant historic, architectural, or cultural characteristics, HDC expects an increased commitment from the owner to investigating options for saving the structure.

Exceptions to policy beyond the above policy are to be granted for matters of Public Safety. Specifically, Section 14-27 of the Town Ordinances state that “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.”

Adherence to the standards above should comport with the findings in the Westport Plan of Preservation as adopted.

Proposed Modifications to Bill Harris Document Reviewed at 2/14/22 HDC Meeting

Prepared by Scott Springer – 3/10/23

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- 1) The Commission must be convinced that the structure in question does not have significant remaining historic, architectural, or cultural characteristics that would warrant the consideration of alternative options to demolition. If the HDC does find that the structure in question reaches that standard of retaining significant features as noted above, it will file an objection with the Building Department as a party registered with the Building Official pursuant to Section 14-24, which would then cause the remainder of the 180-day demolition delay to continue pursuant to Section 14-25.
- 2) Arguments that are not considered in the above deliberations are:
  - a. Financial hardship
  - b. Owner/Contractor convenience
  - c. Pre-emptive statements by the owner that they will not seek alternatives to total demolition.
- 3) Exceptions to policy beyond the above policy are to be granted for matters of Public Safety.
  - a. Specifically, Section 14-27 of the Town Ordinances state that, “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.”
- 4) Additional findings:
  - a. Adherence to the standard in (1) above should comport with the findings in the Westport Plan of Preservation as adopted.
  - b. Preservation of mid-century housing which is generally more modest in size and environmental impact helps ensure that the community will continue to have a diversity of housing stock available for those seeking to move into Westport and contribute to community sustainability.