

Third Amendment
to
Ordinance Number 27
Passed October 17, 1988
Establishing Historic Districts in the Town of Salisbury, Connecticut.
The Original Ordinance Having Been Passed on February 19, 1970.

Be It Ordained as Follows:

Section 5.

Three members or designated alternates of the COMMISSION shall constitute a quorum for the transaction of its business or the performance of its functions and the concurring vote of a majority of those constituting a quorum shall be necessary for the adoption of any recommendation, motions, or other acts of the COMMISSION; except that the affirmative vote of at least three members or designated alternates shall be necessary for the approval of a certificate of appropriateness. When a member of the COMMISSION is unavailable to act at a particular time due to absence, sickness, conflict of interest or other goodreason, the Chairman shall designate an alternate member to act in place of such member, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible.

Section 6.

No building or structure shall be erected, altered, restored, or moved within the Salisbury Historic District until after an application for a certificate of appropriateness as to exterior architectural features has been received by the COMMISSION and approved by said COMMISSION. No building permit for erection of a building or structure or for alteration of an exterior architectural feature within a historic district and no demolition permit for demolition or removal of a building or structure within a historic district shall be issued by the Town of Salisbury 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. The style, material, size and location of signs and fences within a historic district shall also be under the purview of such COMMISSION. In addition, the COMMISSION shall exercise such other authority granted to it by law.

Section 7.

This ordinance shall NOT be construed to regulate:

1. The color of paint on the exterior of any building or structure,
2. Interior arrangements or use,
3. The ordinary maintenance or repair of any exterior feature which does not involve a change of design or appearance or material,
4. Exterior architectural features not visible from a public street, way or place were any obstructing vegetation or fence to be removed.

Section 8.

a. Filing Application

An application for a certificate of appropriateness shall be filed with the COMMISSION through the Office of the Zoning Enforcement Officer.

b. Notice, Hearings, Approvals and Appeals

i) 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 Town of Salisbury not more than fifteen days and not less than five days before such hearing.

ii) Within not more than sixty-five days after the filing of an application, the COMMISSION shall pass upon such application and shall give written notice of its decision to the applicant. Failure of the COMMISSION to act within said sixty-five days shall constitute approval and no other evidence of approval shall be needed.

iii) Evidence of approval shall be by certificate of appropriateness issued by the COMMISSION.

iv) When a certificate of appropriateness has been denied, the COMMISSION shall place upon its records and in the notice to the applicant the reasons for its determination.

v) All hearings and meetings of the COMMISSION at which decisions are made shall be open to the public. The COMMISSION shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating thereon.

vi) Any person aggrieved by a decision of the COMMISSION may appeal to the Superior Court in accordance with the Connecticut General Statutes relating to Historic Districts.

c. COMMISSION Action

In its deliberations, the COMMISSION shall act only for the purpose of controlling the erection, demolition or alteration of buildings, signs, fences, walls and other structures or parking areas visible from the public right of way, which are incongruous with the historical or architectural aspects of the district.

d. Adoption of Rules

The COMMISSION shall adopt such rules and regulations as it shall deem necessary to carry out the intent of the General Statutes relating to Historic Districts, and to provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness. Such regulations shall not be such as to bind the HISTORIC DISTRICT COMMISSION to any uniform or necessarily traditional styles throughout the district, but shall look both to the protection of the old and to the interest and distinctiveness of this community.

Section 9.

Duties of the Commission:

a. Relationship to Other COMMISSIONS

The COMMISSION and other Town Commissions and offices whose areas of concern may overlap or affect each other shall maintain liaison for information and coordination in matters with which the COMMISSION may be dealing.

Jurisdiction of the COMMISSION over any matter shall not be construed to diminish the authority of any other Town Agency, Board or Commission. In cases of overlapping jurisdiction, approval by all Agencies, Boards or Commission with purview over the matter shall be required.

b. Annual Report

The COMMISSION shall make an annual report of its activities to the Board of Selectmen.

c. Cooperation and Coordination

The COMMISSION may:

- i) Provide information to property owners and others involving the preservation of the district;
- ii) Initiate planning and zoning proposals;
- iii) Cooperate with other regulatory agencies and civic organizations and groups interested in historic preservation;
- iv) Comment on applications for zoning variances and special exceptions where they affect the Salisbury Historic District;
- v) 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 the Salisbury Historic District, and
- vi) Furnish information and assistance in connection with any capital improvement program involving the Salisbury Historic District.

Section 10.

For the purpose of encouraging the responsiveness, securing the support, and drawing on the resources of interested residents of the Historic District who are not members of the HISTORIC DISTRICT COMMISSION, and apart from the provision in the Act for formal appeals from the COMMISSION decisions by aggrieved parties, and other than the required public hearings by the COMMISSION upon applications for certificates of appropriateness, the COMMISSION shall hold meetings with residents of the Historic Districts if and when at least 35% of the owners of real property in the District make written petition to the COMMISSION such meeting to discuss matters of policy or other matters that may be at issue between property owners and the COMMISSION. The COMMISSION shall call meetings so requested within 65 days, shall not be bound by the meetings, but in formulating policy shall be responsive to the sentiments of the Community insofar as its best judgment suggests and the powers and limitations derived from the General Statutes permit.

Section 11.

Regulations and orders of the COMMISSION issued pursuant to the Act or to this Ordinance shall be enforced by the Zoning Enforcement Officer.