

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Town Manager Approval: _____



Item to be presented by: Jeffery J. O'Keefe

DATE: February 23, 2010

SUBJECT: Middle Haddam Historic District Revised Ordinance

DEPARTMENT: Town Managers Office

RECOMMENDED ACTION:

Consider adoption of the revised Middle Haddam Historic District ordinance as proposed by the historic district commission members and as written by the Town Attorney.

BACKGROUND

Much debate has taken place concerning the revisions proposed by the Historic District Commission members and as written by the Town's Attorney.

The impetus for the revised ordinance was to bring it into alignment with State Statues and to define legally (in a narrative version) the exact boundaries of the District.

There are two matters that have arisen as a result of these proposed changes. The first concerned whether or not the Attachment 211(which lists the original property owners included in the district) should remain as a part of the revised ordinance. It is important to note that this list was never an exhibit or attachment referenced in the original 1977 Ordinance that was adopted on May 11, 1977 (see attached 1977 Ordinance). This list has always been considered a part of the contributing resources and first showed up in the ordinance when the Town embarked on codifying records in 2006.

The Historic District Commission Members, as well as the Town's attorney, have highlighted the fact that this list has no "legislative" value in remaining in the ordinance. Few opponents argue that the list has intrinsic value in that it highlights their properties in the ordinance and argue that removal could possibly harm the values of the homes listed. The historic district commission members argue that the removal of this list would do no such thing. The list would remain as a reference document (as it always has) for any person interested in buying or selling in the Historic District and would remain an integral part of the Historic District's documents and files. The Town attorney has taken the position that keeping the list in the ordinance itself does no real harm (see attached memo), but could cause the casual reader of the ordinance to be confused, in that the list would not exactly match the descriptions proposed in the new ordinance. Furthermore, if someone wanted to update the "list" because it would continue to be a part of the ordinance itself; it would require a lengthy ordinance process change. This argument holds some merit as to why it should no longer be included in the ordinance.

The second item of concern has to deal with boundary line of the historic district itself. The original ordinance in 1977 (see attached) and current enacted ordinance both allude to the map submitted as the boundary lines. This map does not place this boundary line in the middle of the Connecticut River and there is no narrative in either ordinance indicating such. The only reference to the boundary line being in the middle of the Connecticut River is in the Study Committee report. The boundary line is highlighted

EH: Clerks Office

AGENDA ITEM: _____



by the map in the ordinance itself and has the boundary line at the shore line. It was updated in May of 2006, to clarify the boundary lines even further. The Town Clerk was directed to research the boundary lines concerns and found nothing, except the Study Committee report, which would support the boundary line being the middle of the Connecticut River (see attached report of Town Clerk). Proponents argue that the original boundary line of the Historic District is the Middle of the Connecticut River and have offered a document (Middle Haddam Historic District Study Committee report) that was submitted to the Town Council in 1977. There is no ordinance on record anywhere in the Towns Clerk files that this Middle Haddam Historic District Study Committee report was ever enacted in its entirety by a Town Ordinance. Additionally, because the river is statutorily regulated by the State; the Historic District Commission would have little say or even any enforcement capabilities of any matters relating to the river itself, though they still would have say in matters effecting any proposed developments on Land. Recognizing this; there appears to be little inherent value to changing the boundary lines in existence since 1977.

If it is decided by this Town Council, that they would like to change the boundary lines to the Middle of the Connecticut River, this proposed Ordinance would need to be redrafted and another public hearing held. But first all homeowners in the District would need to vote on changing the boundary lines of the district. In addition, the State of Connecticut, in all probability, would have to be included in the vote to add half of the river to the Historic District.

A public hearing on this matter was held on February 9, 2010.

ALTERNATIVE ACTIONS

None requested at this time

FISCAL IMPACT

TOWN OF EAST HAMPTON
AGENDA REPORT

Town Manager Approval: 
Item to be presented by: Jeffery J. O'Keefe

DATE: January 12, 2009
SUBJECT: Middle Haddam Historic District Revised Ordinance
DEPARTMENT: Town Managers Office

RECOMMENDED ACTION

Review, discuss and schedule public hearing for January 26, 2009 for the adoption of the revised ordinance (see attached) for the Middle Haddam Historic District.

BACKGROUND

On several occasions discrepancies have arisen as to what are the exact boundary lines of the historic district and as to what properties are actually in the district. To better define the boundaries of the Middle Haddam Historic District, the Town taking advantage of the new GIS system, the Town directed Applied Geographic's to develop a map with references to Assessor's map/block/lot designations and designate all of the properties and boundary lines that form the District.

The proposed revisions to the ordinance accomplish the following:

- o It substitutes the new map for the Midstate Regional Planning Agency Map (attachment 1);
- o It amends the two sections of the ordinance (211-1 and 211-14) that refer to the map;
- o It amends 211-14 further to provide, with reference to Assessor's map/block/lot designations, all of the properties that form the boundaries of the District;
- o It deletes Attachments 2 and 3 in the existing Ordinance. Both of these attachments reference lots as designated on the original map and use outdated owner information.

Upon adoption the new map will be sent to the State for their files.

The Middle Haddam Historic District Commission endorsed the revised ordinance at their regularly scheduled meeting on Thursday September 24, 2009.

At the October 13th council meeting Council directed the Town Manager to get a legal opinion on whether or not removing the historic properties listed in the current ordinance would have any impact to those property owners who would no longer be listed in the revised ordinance. The Town Attorney's memo discussing this is attached.

ALTERNATIVE ACTIONS

Other direction as determined by the Town Council.

FISCAL IMPACT

None at this time

EH: Clerks Office

AGENDA ITEM: 6B

Ordinance to Amend Historic Districts Ordinance

WHEREAS, the Ordinance entitled "Historic Districts" was first adopted by the legislative body of the Town of East Hampton on May 11, 1977; and

WHEREAS, said Ordinance established the boundaries of an historic district known as "Middle Haddam Historic District"; and

WHEREAS, said Ordinance established the boundaries of Middle Haddam Historic District by reference to and incorporation of a map prepared by Midstate Regional Planning Agency dated May 1976; and

WHEREAS, said map did not identify the properties within the boundaries of Middle Haddam Historic District by reference to Assessor's Map, Block and Lot numbers; and

WHEREAS, a new map has been prepared by Applied Geographics, Inc. which does identify said properties within the boundaries of Middle Haddam Historic District by reference to Assessor's Map, Block and Lot numbers; and

WHEREAS, the Town Council wishes to substitute the Applied Geographics, Inc. map for the Midstate Regional Planning Agency map in order to more definitively describe the properties within the boundaries of Middle Haddam Historic District; and

WHEREAS, nothing within this *Ordinance to Amend Historic Districts Ordinance* involves changing the boundaries of Middle Haddam Historic District; and

WHEREAS, certain additional revisions to the existing Ordinance are necessary in order to comply with current statutory requirements.

BE IT THEREFORE RESOLVED that the Town Council of the Town of East Hampton hereby amends the Historic Districts Ordinance, Chapter 211 of the East Hampton Code, by deleting the map prepared by Midstate Regional Planning Agency dated May 1976 and attached to the Ordinance as "211 Attachment 1", and substituting therefore the map prepared by Applied Geographics, Inc. dated August 2009.

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by deleting the following language at the very end of § 211-1: "which map is incorporated herein by reference, and entitled 'Middle Haddam Historic District'" and substituting therefore the following language: "which map is incorporated herein by reference and entitled 'Middle Haddam Historic District Town of East Hampton Connecticut' dated August 2009 and prepared by Applied Geographics, Inc."

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by deleting entirely the existing § 211-14 and substituting therefore the following new § 211-14:

"§ 211-14. Boundaries.

The boundaries of the Middle Haddam Historic District are shown on a map entitled 'Middle Haddam Historic District Town of East Hampton Connecticut' dated August 2009 and prepared by Applied Geographics, Inc. The following properties, identified by Assessor's Map Block and Lot Numbers, form the boundaries of Middle Haddam Historic District and are included within the District, as are all of the properties within said boundaries:

Northerly 01C/9/8A
 01C/9/6
 01C/10/3
 01C/10/11
 01C/10/13
 01C/11/1
 06/11/2A
 06/11/1
 06/12/8

Easterly 06/12/8A
 06/12/7B
 06/12/7A
 02C/12/7
 02C/12/5
 02C/12/2C
 02C/12/4
 02C/12/2
 02C/12/17
 02C/12/18
 02C/21/34-2
 02C/21/34-3
 02C/21/4A

07/21//7
07/21/7B
02/18/20A
02/18/20-2A

Southerly 02/18/21-1C
02/18/20-2B

Westerly 02/18/20-2A
02/18/19B
02C/18/16
02C/18/1
02C/19A/2A
02C/19A/7A
02C/19A/6
02C/19A/4
02C/19A/1
02C/9/19
02C/9/18
02C/9/17
02C/9/12-5
02C/9/12-6
02C/9/12A
02C/9/12-7
02C/9/12-8
02C/9/12-9
02C/9/12-10”

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by deleting entirely the attachments labeled “211 Attachment 2 Town of East Hampton Historical Classifications of District” and “211 Attachment 3 Town of East Hampton Land Records as Registered in 1976 (prior to October 1) in East Hampton Tax Assessor’s Files”.

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by incorporating the following revisions in order to comply with current statutory requirements:

Amend § 211-3 by deleting the second sentence and substituting the following sentence:
The Commission shall fix the time and place of its regular meetings and provide a method for calling special meetings, in accordance with the Freedom of Information Act, § 1-210 et seq. of the General Statutes of Connecticut.

Amend § 211-3 by deleting the third sentence and substituting the following sentence:
It shall adopt rules of procedure not inconsistent with the provisions of § 7-147a et seq. of the General Statutes of Connecticut.

Amend § 211-3 by deleting the last sentence and substituting the following sentence:

The Commission may adopt regulations not inconsistent with the provisions of § 7-147a et seq. of the General Statutes of Connecticut to provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness.

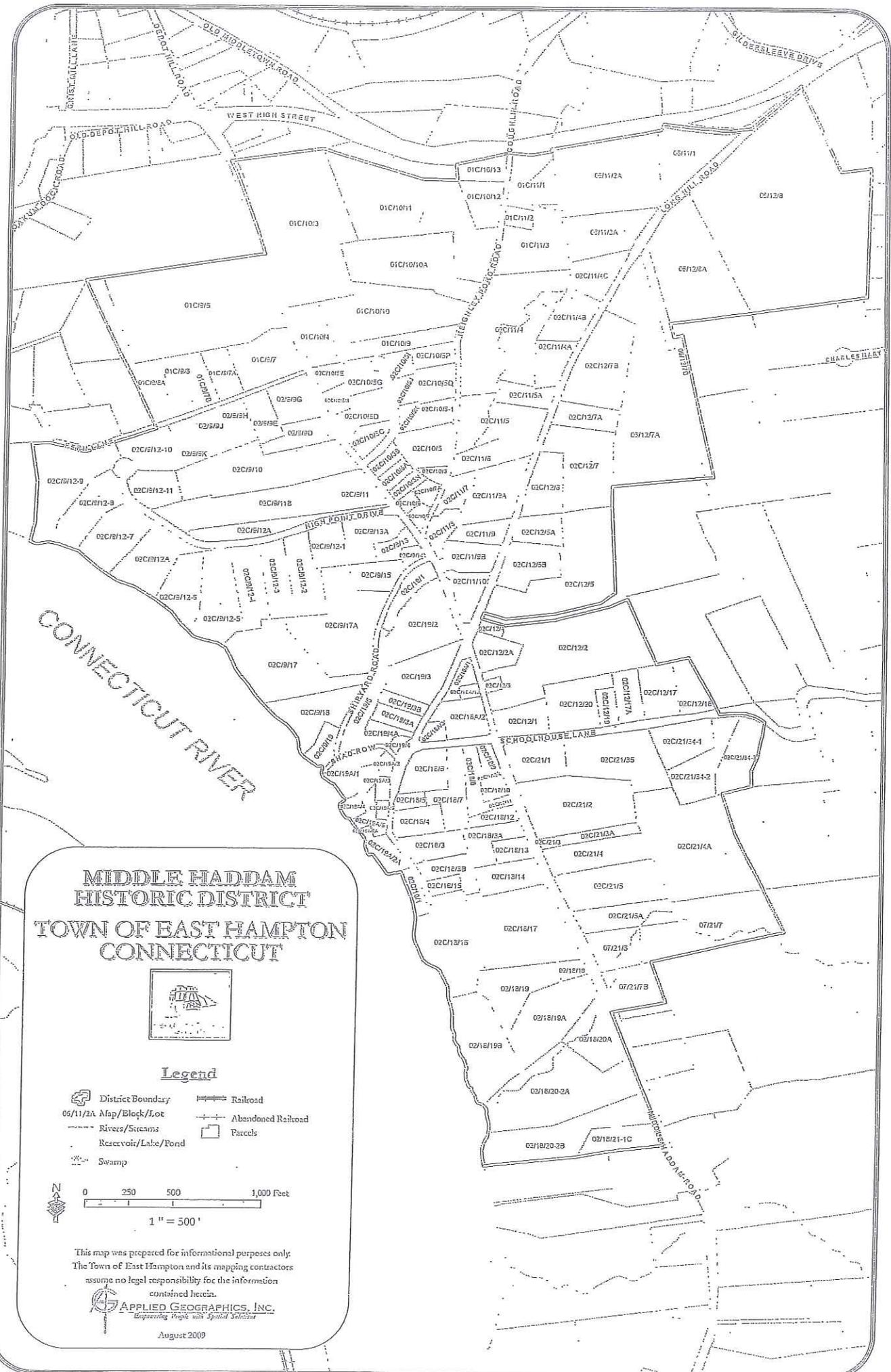
Amend § 211-4 by adding a definition between "ALTERED" and "BUILDING:"
APPROPRIATE — Not incongruous with those aspects of the historic district which the historic district commission determines to be historically or architecturally significant.

Amend § 211-6 by deleting the last sentence and substituting the following sentence:
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 East Hampton not more than fifteen days nor less than five days before such hearing.

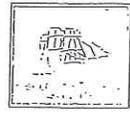
Amend § 211-8 by adding the following sentences at the end of A:
No application for a certificate of appropriateness for an exterior architectural feature, such as a solar energy system, designed for the utilization of renewable resources shall be denied unless the commission finds that the feature cannot 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.

Amend § 211-8B by deleting the date of "May 11, 1977" and substituting the date of "October 1, 1973."

Delete § 211-15.

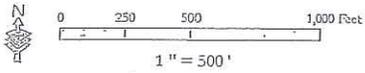


**MIDDLE HADDAM
HISTORIC DISTRICT
TOWN OF EAST HAMPTON
CONNECTICUT**



Legend

- District Boundary
- Railroad
- Abandoned Railroad
- Rivers/Streams
- Parcels
- Reservoir/Lake/Pond
- Swamp



This map was prepared for informational purposes only. The Town of East Hampton and its mapping contractors assume no legal responsibility for the information contained herein.

APPLIED GEOGRAPHICS, INC.
Empowering People with Spatial Solutions

August 2009

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100 Riverview Center · Suite 205
Middletown, CT 06457
Telephone: (860) 704-0290 / Facsimile: (860) 704-0545
e-mail: jmd@d-blaw.com
www.d-blaw.com

FAX COVER SHEET

TO: Jeffery J. O'Keefe, Town Manager FAX: 860-267-1027

DATE: 2/18/10 CC:

FROM: Jean M. D'Aquila CC
FAX:

SUBJECT: MHHO Ordinance

FILE NO.: 2666-001

PAGES (Including Cover) 24

MESSAGE:

Good morning, Jeff.

I reviewed my file and include herewith research, correspondence and memoranda in response to Town Councilperson Weintraub's request as follows:

- 7/31/09 memo with Attachments A and B
- 8/25/09 e-mail
- 8/26/09 e-mail with draft ordinance attached
- 9/1/09 memo
- 9/2/09 memo with final version of draft ordinance
- 10/21/09 memo
- 2/18/10 e-mail request from Councilperson Weintraub.

I hope this is helpful.

Thank you. Jean

The information contained in this facsimile message is confidential information intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

Jean M. D'Aquila

From: O'Keefe, Jeff [jokeefe@easthamptonct.org]
Sent: Thursday, February 18, 2010 9:35 AM
To: Jean M. D'Aquila
Subject: FW: MHHDC

Jean,

Do you understand this request? Can you email me the stuff she is looking for?

Jeff

From: Sue Weintraub [mailto:suew01@earthlink.net]
Sent: Thursday, February 18, 2010 9:27 AM
To: O'Keefe, Jeff
Cc: Towncouncil
Subject: MHHDC

Jeff...

The 100-page document that was emailed yesterday is interesting background but not what I requested.

I would like the information Jean has regarding the Ordinance revisions for Chapter 211 Historic Districts. I would like emailed to me any and all documents that our attorney has researched and will be presenting at Tuesday's meeting regarding the historic district boundary and the charts that follow the ordinance, 211 Attachment 2 and 211 Attachment 3.

Let me know if there's any problem receiving this by end of day today or I can speak directly with Jean prior to 1 p.m.

Thank you,

Sue

Sue Weintraub
East Hampton Town Council

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Middle Haddam, CT 06456
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c: 860.614.0120
f: 860.267.1228

D'Aquila Law Offices, LLC

547 Main Street · Suite 103

Middletown, CT 06457

Phone: (860) 704-0290 Fax: (860) 704-0545

TO: Jeffery J. O'Keefe, Town Manager, via fax no: 267-1027

FROM: Attorney Jean M. D'Aquila

DATE: October 21, 2009

RE: Ordinance to Amend Historic Districts Ordinance

At your request, I have reviewed Ms. Margaret Faber's comment that the attachment to the above ordinance, labeled "211 Attachment 2 Town of East Hampton Historical Classifications of District" not be deleted from the Ordinance.

As you know, "211 Attachment 2" is an inventory of buildings within the district of historic significance by historical period, special architectural details, owners as of the date the inventory was compiled, and with reference to the lot number shown on the original map of the District prepared by Midstate Regional Planning Agency in 1976 ("211 Attachment 1"). As you also know, the proposed revisions to the ordinance include replacing that older map with a more revised version that identifies properties within the District by current Assessor's Map, Block/Lot information.

There is no statutory requirement that such an inventory be a part of the Ordinance. Our thought was that maintaining "211 Attachment 2" (and "211 Attachment 3" for that matter) within the Ordinance while substituting the new map containing different lot references would create confusion. Certainly, removing the inventory from the Ordinance does not mean that the valuable information on the inventory will be lost. The inventory would remain an important reference and source of information for the District and its Commission.

That said, there is also no statutory prohibition against including such an inventory within the Ordinance. If it is the recommendation of the Middle Haddam Historic District Commission ("MHHDC") that the inventory known as "211 Attachment 2" be maintained within the Ordinance, this would be acceptable. The MHHDC would have to keep in mind of course that the map references and owner names within the inventory are outdated as they proceed to perform their duties under the Ordinance.

A final word of caution: Ms. Faber offers that the inventory could be revised with little effort to include the lot numbers as shown on the new map and current street numbers instead of owners' names. While this may be true, it would take another Ordinance revision to incorporate those revisions. If the inventory remains a part of the Ordinance, it can only be amended by the Town Council via the Charter-required amendment process prescribed in Charter Section 2.4 et seq.

db

D'Aquila & Brooks, LLC

547 Main Street · Suite 103

Middletown, CT 06457

Phone: (860) 704-0290 Fax: (860) 704-0545

TO: Jeffery J. O'Keefe, Town Manager

FROM: Attorney Jean M. D'Aquila

DATE: September 2, 2009

RE: Ordinance to Amend Historic Districts Ordinance

Enclosed please find the final version of the proposed Ordinance above. PLEASE NOTE THAT YOU ARE WAITING FOR A FURTHER REVISED MAP FROM APPLIED GEOGRAPHICS. WHEN YOU RECEIVE IT, THE MAP SHOULD BE ATTACHED TO THE PROPOSED ORDINANCE.

The reason for the revision to the Map is that Applied Geographics omitted a lot designation on the westerly side of the District. I enclose a copy of the unrevised version of the Map with the undesignated lot highlighted. Daphne told me that the designation of the lot is 02C/9/12A.

FINAL

Ordinance to Amend Historic Districts Ordinance

WHEREAS, the Ordinance entitled "Historic Districts" was first adopted by the legislative body of the Town of East Hampton on May 11, 1977; and

WHEREAS, said Ordinance established the boundaries of an historic district known as "Middle Haddam Historic District"; and

WHEREAS, said Ordinance established the boundaries of Middle Haddam Historic District by reference to and incorporation of a map prepared by Midstate Regional Planning Agency dated May 1976; and

WHEREAS, said map did not identify the properties within the boundaries of Middle Haddam Historic District by reference to Assessor's Map, Block and Lot numbers; and

WHEREAS, a new map has been prepared by Applied Geographics, Inc. which does identify said properties within the boundaries of Middle Haddam Historic District by reference to Assessor's Map, Block and Lot numbers; and

WHEREAS, the Town Council wishes to substitute the Applied Geographics, Inc. map for the Midstate Regional Planning Agency map in order to more definitively describe the properties within the boundaries of Middle Haddam Historic District; and

WHEREAS, nothing within this *Ordinance to Amend Historic Districts Ordinance* involves changing the boundaries of Middle Haddam Historic District; and

WHEREAS, certain additional revisions to the existing Ordinance are necessary in order to comply with current statutory requirements.

BE IT THEREFORE RESOLVED that the Town Council of the Town of East Hampton hereby amends the Historic Districts Ordinance, Chapter 211 of the East Hampton Code, by **deleting** the map prepared by Midstate Regional Planning Agency dated May 1976 and attached to the Ordinance as "211 Attachment 1", and **substituting** therefore the map prepared by Applied Geographics, Inc. dated August 2009.

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by **deleting** the following language at the very end of § 211-1: "which map is incorporated herein by reference, and entitled 'Middle Haddam Historic District'" and **substituting** therefore the following language: "which map is incorporated herein by reference and entitled 'Middle Haddam Historic District Town of East Hampton Connecticut' dated August 2009 and prepared by Applied Geographics, Inc."

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by **deleting** entirely the existing § 211-14 and **substituting** therefore the following new § 211-14:

"§ 211-14. Boundaries.

The boundaries of the Middle Haddam Historic District are shown on a map entitled 'Middle Haddam Historic District Town of East Hampton Connecticut' dated August 2009 and prepared by Applied Geographics, Inc. The following properties, identified by Assessor's Map Block and Lot Numbers, form the boundaries of Middle Haddam Historic District and are included within the District, as are all of the properties within said boundaries:

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 06/12/8

Easterly 06/12/8A
 06/12/7B
 06/12/7A
 02C/12/7
 02C/12/5
 02C/12/2C
 02C/12/4
 02C/12/2
 02C/12/17
 02C/12/18
 02C/21/34-2
 02C/21/34-3
 02C/21/4A

07/21/7
07/21/7B
02/18/20A
02/18/20-2A

Southerly 02/18/21-1C
02/18/20-2B

Westerly 02/18/20-2A
02/18/19B
02C/18/16
02C/18/1
02C/19A/2A
02C/19A/7A
02C/19A/6
02C/19A/4
02C/19A/1
02C/9/19
02C/9/18
02C/9/17
02C/9/12-5
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02C/9/12A
02C/9/12-7
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02C/9/12-10”

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by **deleting** entirely the attachments labeled “211 Attachment 2 Town of East Hampton Historical Classifications of District” and “211 Attachment 3 Town of East Hampton Land Records as Registered in 1976 (prior to October 1) in East Hampton Tax Assessor’s Files”.

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by incorporating the **following revisions** in order to comply with current statutory requirements:

Amend § 211-3 by deleting the second sentence and substituting the following sentence:

The Commission shall fix the time and place of its regular meetings and provide a method for calling special meetings, in accordance with the Freedom of Information Act, § 1-210 et seq. of the General Statutes of Connecticut.

Amend § 211-3 by deleting the third sentence and substituting the following sentence:

It shall adopt rules of procedure not inconsistent with the provisions of § 7-147a et seq. of the General Statutes of Connecticut.

Amend § 211-3 by deleting the last sentence and substituting the following sentence:

The Commission may adopt regulations not inconsistent with the provisions of § 7-147a et seq. of the General Statutes of Connecticut to provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness.

Amend § 211-4 by adding a definition between "ALTERED" and "BUILDING:"

APPROPRIATE — Not incongruous with those aspects of the historic district which the historic district commission determines to be historically or architecturally significant.

Amend § 211-6 by deleting the last sentence and substituting the following sentence:

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 East Hampton not more than fifteen days nor less than five days before such hearing.

Amend § 211-8 by adding the following sentences at the end of A:

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.

Amend § 211-8B by deleting the date of "May 11, 1977" and substituting the date of "October 1, 1973."

Delete § 211-15.



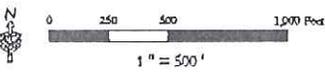
CONNECTICUT RIVER
 02c/9/12a

**MIDDLE HADDAM
 HISTORIC DISTRICT**
 TOWN OF EAST HAMPTON
 CONNECTICUT



Legend

- District Boundary
- Railroad
- Map/Block/Lot
- Abandoned Railroad
- River/Stream
- Parcel
- Reservoir/Lake/Pool
- Swamp



This map was prepared for informational purposes only.
 The Town of East Hampton and its mapping contractors
 assume no legal responsibility for the information
 contained herein.

APPLIED GEOGRAPHICS, INC.
 Surveying, Mapping, and GIS Solutions

August 2007

db

D'Aquila & Brooks, LLC

547 Main Street · Suite 103

Middletown, CT 06457

Phone: (860) 704-0290

Fax: (860) 704-0545

TO: Jeffery O'Keefe, Town Manager; Jim Carey, Building, Planning & Zoning Administrator

FROM: Janet P. Brooks

DATE: September 1, 2009

RE: Boundary questions from the Middle Haddam Historic District Commission

You have referred to us the memo from Commission members, Doug Mackeown and Rick Walsh, dated May 26, 2009 requesting a legal opinion on the boundaries of the District. By memo dated July 31, 2009 we provided a response. Thereafter you requested that we meet with you and some members of the Commission to present further information for our review. We met on August 21, 2009 and reviewed the additional documentation. As we discussed at that meeting, we have revised our legal opinion, based on the additional information supplied. This memo summarizes our legal opinion.

1. Northeast corner: Map 06/block 12/lot 8: We now understand that this lot was a lot in existence at the time of the vote to establish the historic district. Its contours were not correctly represented on the map prepared by the Midstate Regional Planning Agency in the 1970s. The lot includes the triangle portion to the northeast which was excluded by Midstate and more recently by the initial draft prepared by Applied Geographics. In its mapping of the District, Applied Geographics refers to this location within the Errata Report, as Middle Haddam Historic District, #12. The District boundary should be revised to include the rest of the lot within the District.
2. Long Hill: Map 02/block 12/lot 5: According to the May 26, 2009 memo, the original District map did not reflect the subdivision of land approved by the Town on 11/4/75. Applied Geographics, Inc.'s initial draft of the boundaries designated the boundary coincident with its understanding of the approved 1975 subdivision of land. Upon review of further documentation the approved subdivision, which is outside the District, did not end its western-most point at Errata #6, as designated by Applied Geographics, Inc. The subdivision includes the entire driveway/accessway to Long Hill Road. Thus, the map should be revised to exclude that portion of the accessway which is still designated as within the District.

3. Southern edge of the boundary at lot 20-2B: Further information was provided to indicate that lot 20-2B, which was clearly in the District at the time the District was established, was further divided and transferred to the landowner south of the District border. This enabled a landlocked lot (outside of the District) to have street access (through property within the District.) This is delineated on the initial draft of the District boundary map prepared by Applied Geographics map as Errata #16. In our memo dated July 31, 2009 we declined to endorse that revision of the map. Upon review of the facts as provided and a review of the caselaw which we provided to you in an e-mail dated August 25, 2009, we revise our opinion as follows. As to the southern boundary, designated on the Applied Geographics Errata sheet as #16, we endorse the Applied Geographics proposed boundary. Thus, the driveway/street access portion of the property, formerly part of lot 20-2B, is within the District and should appear on the official map.

If we can be of further assistance, please let us know.

Office Administrator

From: Jean M. D'Aquila [jmd@d-blaw.com]
Sent: Wednesday, August 26, 2009 1:47 PM
To: 'O'Keefe, Jeff'; James Carey
Cc: Janet Brooks
Attachments: Ordinance to Amend (revised 8-25-09).docx

Hi folks. I haven't yet received the final version of the Applied Geographics map, but rather than wait for it, I am using the draft we have (dated August 2009) for purposes of creating a "first cut" of an Ordinance to amend the Historic Districts Ordinance. This draft accomplishes the following purposes:

- It substitutes the new map for the Midstate Regional Planning Agency Map (attachment 1);
- It amends the two sections of the ordinance (211-1 and 211-14) that refer to the map;
- It amends 211-14 further to provide, with reference to Assessor's map/block/lot designations, all of the properties that form the boundaries of the District;
- It deletes Attachments 2 and 3 in the existing Ordinance. Both of these attachments reference lots as designated on the original map and use outdated owner information.

I know that the Applied Geographics map is being revised and that the 4 problem areas identified in the enclosed draft will be resolved in that revision. Hence, I will have to revisit the enclosed draft when I receive the revised map. Also, Janet Brooks is putting together some technical revisions to the existing Ordinance that incorporate current statutory requirements. Those revisions will eventually be included in the proposed Ordinance to amend the Historic Districts Ordinance.

I just wanted to get at least a draft on the table now as the 9/8 date for the Town Council's first review is rapidly approaching. Let me have your input at your convenience. Thank you.

Jean M. D'Aquila, Esq.
D'Aquila & Brooks, LLC
547 Main Street
Suite 103
Middletown, CT 06457

Phone: 860-704-0290
Fax: 860-704-0545

Ordinance to Amend Historic Districts Ordinance

WHEREAS, the Ordinance entitled "Historic Districts" was first adopted by the legislative body of the Town of East Hampton on May 11, 1977; and

WHEREAS, said Ordinance established the boundaries of an historic district known as "Middle Haddam Historic District"; and

WHEREAS, said Ordinance established the boundaries of Middle Haddam Historic District by reference to and incorporation of a map prepared by Midstate Regional Planning Agency dated May 1976; and

WHEREAS, said map did not identify the properties within the boundaries of Middle Haddam Historic District by reference to Assessor's Map, Block and Lot numbers; and

WHEREAS, a new map has been prepared by Applied Geographics, Inc. which does identify said properties within the boundaries of Middle Haddam Historic District by reference to Assessor's Map, Block and Lot numbers; and

WHEREAS, the Town Council wishes to substitute the Applied Geographics, Inc. map for the Midstate Regional Planning Agency map in order to more specifically describe the properties within the boundaries of Middle Haddam Historic District; and

WHEREAS, nothing within this *Ordinance to Amend Historic Districts Ordinance* involves changing the boundaries of Middle Haddam Historic District.

BE IT THEREFORE RESOLVED that the Town Council of the Town of East Hampton hereby amends the Historic Districts Ordinance, Chapter 211 of the East Hampton Code, by **deleting** the map prepared by Midstate Regional Planning Agency dated May 1976 and attached to the Ordinance as "211 Attachment 1", and **substituting** therefore the map prepared by Applied Geographics, Inc. dated August 2009.

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by **deleting** the following language at the very end of Section 211-1: "which map is incorporated herein by reference, and entitled 'Middle Haddam Historic District'" and **substituting** therefore the following language: "which map is incorporated herein by reference and entitled 'Middle Haddam Historic District Town of East Hampton Connecticut' dated August 2009 and prepared by Applied Geographics, Inc."

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by **deleting** entirely the existing Section 211-14 and **substituting** therefore the following new Section 211-14:

"§ 211-14. Boundaries.

The boundaries of the Middle Haddam Historic District are shown on a map entitled 'Middle Haddam Historic District Town of East Hampton Connecticut' dated August 2009 and prepared by Applied Geographics, Inc. The following properties, identified by Assessor's Map Block and Lot Numbers, form the boundaries of Middle Haddam Historic District and are included within the District, as are all of the properties within said boundaries:

Northerly 01C/9/8A
 01C/9/6
 01C/10/3
 01C/10/11
 01C/10/13
 01C/11/1
 06/11/2A
 06/11/1 *Problem 3: Is pie-shaped piece included???*
 06/12/8

Easterly 06/12/8A
 06/12/7B
 06/12/7A
 02C/12/7
 02C/12/5
 02C/12/2C *Problem 2: Is the driveway to this parcel included???*
 02C/12/2
 02C/12/17
 02C/12/18
 02C/21/34-2
 02C/21/34-3
 02C/21/4A
 07/21/7
 07/21/7B
 02/18/20A
 02/18/20-2A

Southerly / / *Problem 1: Is the extension parcel included?*
 02/18/20-2B

Westerly 02/18/20-2A
 02/18/19B
 02C/18/16
 02C/18/1
 02C/19A/2A
 02C/19A/7A
 02C/19A/6
 02C/19A/4
 02C/19A/1
 02C/9/19
 02C/9/18
 02C/9/17
 02C/9/12-5
 02C/9/12-6
 / / *Problem 4: what is the id for this parcel???*
 02C/9/12-7
 02C/9/12-8

02C/9/12-9
02C/9/12-10"

BE IT FURTHER RESOLVED that the Town Council of the Town of East Hampton further amends said Ordinance by **deleting** entirely the attachments labeled "211 Attachment 2 Town of East Hampton Historical Classifications of District" and "211 Attachment 3 Town of East Hampton Land Records as Registered in 1976 (prior to October 1) in East Hampton Tax Assessor's Files".

Janet P. Brooks

From: Janet P. Brooks [jpb@d-blaw.com]
Sent: Tuesday, August 25, 2009 1:34 PM
To: 'O'Keefe, Jeff'; 'Carey, James'
Cc: 'Jean M. D'Aquila'; 'James Royster'
Subject: authority of town council to amend the historic district commission ordinance and to delete properties from the district

At our meeting last Friday we discussed two different sections of the state enabling statute which appeared to either allow the town council to alter district boundaries [7-147b(j)] or restricted the town council from amending those boundaries [7-147c(c)]. In addition, Commission members raised the concern that there was no explicit language allowing property to be deleted from the District, once the District is established. After reflection on the plain meaning of the applicable statutes and a review of the case law, we have a response to each of those issues.

The sections of the statute:

7-147b(j): "Any ordinance, or amendment thereof, . . . which creates or alters district boundaries, shall contain a legal description of the area to be included within the historic district."

7-147c(c): "Notwithstanding the provisions of section 7-147b, the legislative body of the municipality may enact amendments to the ordinance . . . of an historic district . . . if such amendments do not involve changing district boundaries or the creation of new districts."

The plain meaning of the second section is: when the town council is amending the ordinance for any reason other than creating districts or altering boundaries, such as to conform to statutory changes for newspaper notice of a public hearing, the town council may do so without resorting to the elaborate provisions for a vote by the landowners affected by the change. However, when there is a change to the district boundaries, that may not occur by the town council simply enacting an amendment to the ordinance, rather the entire procedure of section 7-147b must be complied with. Thus, prior to the town council vote on the amendment altering the boundaries, the affected property-owners must be afforded an opportunity to vote.

The first statutory section addresses "creat[ing] or alter[ing] district boundaries." The members at our meeting were unclear whether properties could be deleted from the District without explicit statutory authorization. The case law establishes that a statute which grants authority to establish a district, commission, etc. necessarily includes the authority to abandon that authority as well. "It has long been the law in this state that the power to create necessarily includes the power to abolish." *Madison v. Kimberly*, 118 Conn. 6 (1934) (a town having established a zoning commission is authorized to abandon the same). A town may abandon what it has established in the manner similar to its adoption. *Madison v. Kimberly*, 118 Conn. 6, 11 (1934).

A municipality attempted to abandon its historic district by holding a referendum. The court enjoined the town from holding the referendum as the referendum held no place in the statutory scheme set out in the historic district enabling statute. *Van Deusen v. Watertown*, 62 Conn.App. 298, 771 A.2d 176, cert. denied, 256 Conn. 911, 772 A.2d 1125 (2001). The procedure set out to adopt property in the district must be similarly applied in order to delete the property. A trial court, examining whether the Town of Berlin successfully dissolved its historic district, determined that the town did not follow the procedures of section 7-147b, hence the historic district still existed. *Traverse v. Town of Berlin*, 2006 Conn. Super. LEXIS 2428.

Specifically, there is authority to add property to an established district. In such instance, the owner(s) of such property shall vote in accordance with section 7-147b(g). Thus, the corresponding authority exists for properties to be deleted from the Middle Haddam Historic District. The procedure of section 7-147b is to be followed. In the place of the historic district study committee, referred to in 7-147b(b), the historic district commission carries out the duties of analyzing the

Historic significance and architectural merit of the buildings, structures, places or surroundings". See 7-147b(b). The Commission's analysis is set out in a report which is sent to specified agencies. Section 7-147b(c). After further procedure, the owner of the effected property to be deleted is provided an opportunity to vote. The ultimate step involves the town council amending the ordinance to reflect the deletion of the property.

The trial court in *Traverse v. Berlin* noted: "Historic districts represent both a benefit and a burden to those who live within their boundaries. Residents may enjoy the aesthetic charm that comes with preservation of historic homes, but their property rights are simultaneously restricted in order to maintain the beneficial characteristics of the district. Historic districts are created when the residents decide that the benefits of such a district outweigh the burdens. If, at some point in time (months or even generations later), the residents of the district determine that the burdens outweigh the benefits, they must be able to repeal the ordinance that created the district." Thus, in accordance with the case law set out in this e-mail and consistent with the public policy quoted earlier in this paragraph from the *Traverse v. Berlin* case, we believe that the town may delete properties from the historic district, so long as a procedure to delete is followed which is similar to the procedure for enlarging the district.

Please let us know if we can be of further assistance in this regard.

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db

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Phone: (860) 704-0290

Fax: (860) 704-0545

TO: Jeffery O'Keefe, Town Manager

FROM: Janet P. Brooks

DATE: July 31, 2009

RE: Boundary questions from the Middle Haddam Historic District Commission

You have referred to us the memo from Commission members, Doug Mackeown and Rick Walsh, dated May 26, 2009 requesting a legal opinion on the boundaries of the District. To address the issues raised in the memo we reviewed the attachments to the memo, consulted with the Town Clerk's Office which sent us more documentation, and reviewed the change in the enabling statutes as to what is required of district maps. During this process we became aware that the Town has engaged a GIS consultant, Applied Geographics, Inc., which is in the process of preparing a GIS map of the District. Attachment A. This memo constitutes the requested legal opinion.

In the memo there are allegations of procedural irregularities in the original ballot and voting process utilized in 1977 to establish the District. We have reviewed all of the documentation that currently exists of that process, noting that there are gaps in the documentation. The evidence that exists does not support a conclusion that irregularities occurred. Thus, the legal principle, the presumption of regularity of government functions, is relied on here. Forest Walk, LLC v. Water Pollution Control Authority, 291 Conn. 271(2009); Rosenblit v. Danaher, 206 Conn. 125 (1988).

The memo addresses three areas in the District which the members present as not matching current lot lines.

1. Northeast corner: Map 06/block 12/lot 8: The memo refers to research and surveys that were not attached to the memo. Unable to review that, we rely on the professional standards that Applied Geographics, Inc. utilizes in carrying out its duties. We concur with its judgment based on field investigations as to the determination of the boundary at this location. In its mapping of the District, it refers to this location as Errata Report, Middle Haddam Historic District, ## 12-14.
2. Long Hill: Map 02/block 12/lot 5: According to the memo, the original District map did not reflect the subdivision of land approved by the Town on 11/4/75. Applied

Geographics, Inc. designates the boundary coincident with the approved 1975 subdivision of land. The Commission members propose that Lot 2C which was outside of the District map dated 1976 and outside of the District in the Applied Geographics map of 2009 be included in the District. They base this argument on the ownership of lot 5 and lot 2C by the same person. It is not relevant that the owner of lot 5, undisputedly within the District as of the 1976 map (even if the boundaries were disputed), owned land outside of the District. We have been presented with nothing that supports the conclusion that lot 2C was designated part of the District. We concur with Applied Geographics, Inc. in the designation of the correctly delineated boundaries of lot 5, which were in existence as of 1975 as within the District and the exclusion of lot 2C and the roadway from the District. Based on the 1976 map which has been appended to the ordinance establishing the District since its adoption, the property owner of lot 2C has not been on notice that lot 2C was ever in the District. Thus, lot 2C should not be added to the District.

3. Southern edge of the boundary at lot 20-2B: The memo presents facts that lot 20-2 was used as the southern boundary of the District. Without specifying a timeframe the memo further states that lot 20-2 was subdivided in 20-2A and 20-2B. A portion of 20-2B, which abuts the road was transferred to a lot outside of the District, lot 21-1C. This is delineated on the 2009 Applied Geographics map as Errata #16. Applied Geographics, Inc. designates a portion of 21-1C as within the District and a portion outside of it. We decline to endorse the boundary line which splits lot 21-1C into two portions, and designates one within the District. The property owner of lot 21-1C was not a property owner on the original ballot and we endorse a conservative approach removing all of lot 21-1C from the District. This is protective of the property owner's due process rights and allows for no confusion as to where in the middle of the lot the jurisdiction of the Commission begins and ends. As to the southern boundary, designated on the Applied Geographics Errata sheet as #16, we decline to follow Applied Geographics proposed boundary. Thus, all of lot 21-1C should be removed from the District.

Legal requirements to revise the District map

Subsequent to the passage of an ordinance establishing the Middle Haddam Historic District, the requirements for identifying the boundaries of historic districts have changed. Now there must be "a map showing the exact boundaries of the area to be included within the district." General Statutes § 7-147b (b) (3). The map being created by Applied Geographics, Inc. satisfies that requirement. We note that the map should be finalized with the correction of the southern edge of the District boundary deleting lot 2a-1C as noted in the previous paragraph.

In order to revise the boundaries of the District, the town's historic district ordinance, must be amended. General Statutes § 7-147b (j). In addition to the map, to be finalized by Applied Geographics, Inc., the amendment of the ordinance "shall contain a legal description of the area to be included within the historic district." General Statutes § 7-147b (j). We previously advised the town manager that the description of the area within the District was not legally sufficient. Attachment B. Memo to East Hampton Town Council and Alan H. Bergren, Town Manager from Jean M. D'Aquila dated April 24, 2007. Our advice remains the same. The Assessor's Map/Block/Lot number should be shown on each lot in the map created by

Applied Geographics, Inc. This includes all lots created subsequent to 1976. Once such a map exists, our office can provide the legal description identifying the perimeter of the District. This legal description will be included in the amendment to the historic district ordinance as well as the Applied Geographics map.

After the town council passes the amendment, it shall pass a copy of the amendment to the town clerk. The amendment shall be recorded in the land records and shall be indexed by the town clerk in the grantor index under the names of the owners of record of the properties. General Statutes § 7-147b (j).

Additional ordinance changes to consider

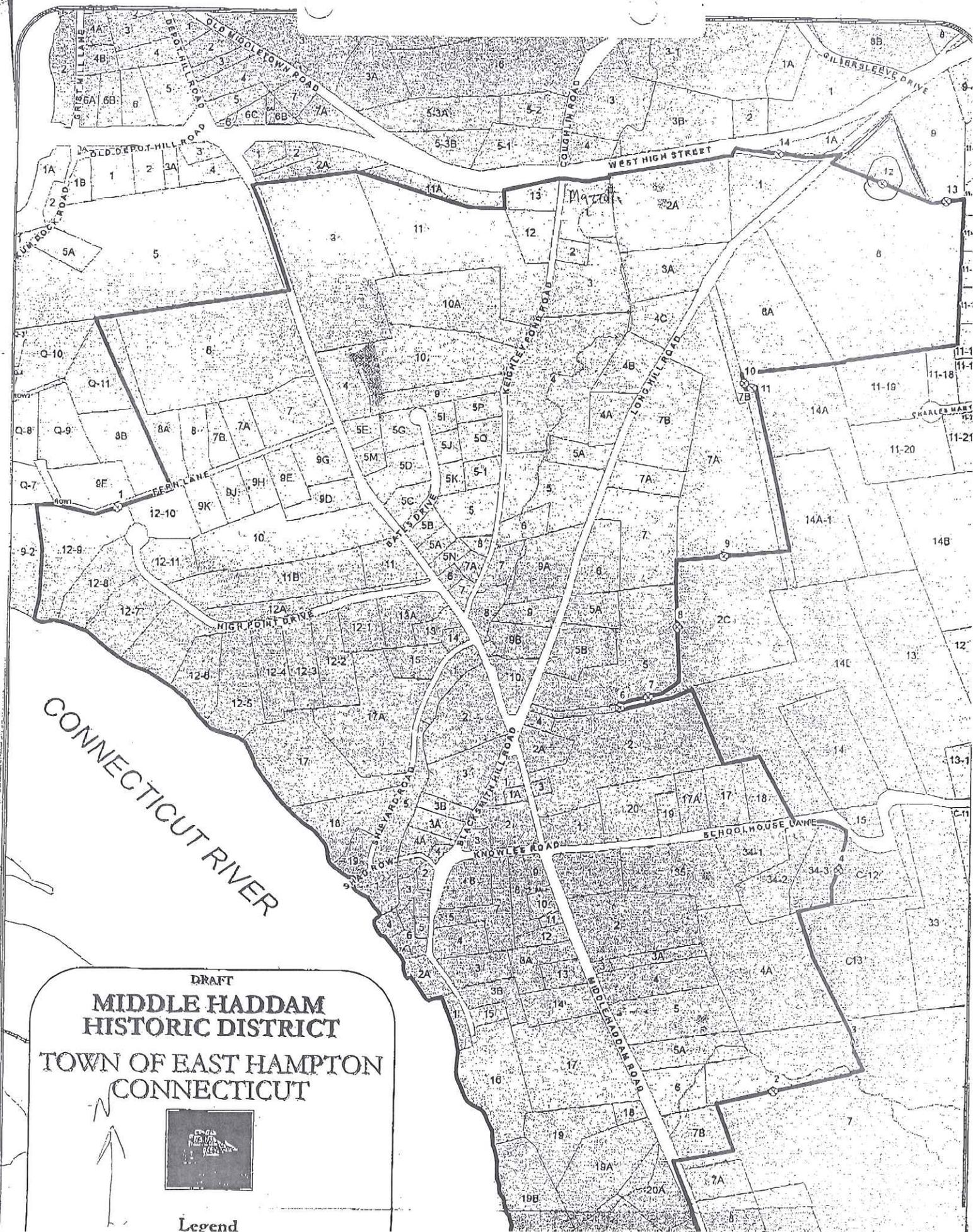
The amendment of the map and legal description of the District boundaries presents an opportunity to act upon recommendations we have given in the past regarding the ordinance's inconsistencies with the state enabling statute. The Commission's duty is to carry out the law as set forth in the state enabling statute. It is clearly established that an administrative agency may not act inconsistent with its enabling statute. *Celentano v. Rocque*, 282 Conn. 645, 654 (2007) ("an administrative body must act strictly within its statutory authority, within constitutional limitations and in a lawful manner . . ."). However, it is confusing to the public and the historic district commission members when their legal duties are not reflected in the ordinance.

1. Duties/Powers of Commission: § 211-3. The ordinance as codified suggests erroneously that the Commission "shall provide a method for calling special meetings." As we advised before, such procedure must be consistent with the Freedom of Information Act. Additionally this section asserts that the Commission can determine its own rules for procedure. Yes; as long as those rules are consistent with the procedure in the enabling statute. Recommended amendment (proposed language in italics): "The Commission shall fix the time and place of its regular meetings and provide a method for calling special meetings *in accordance with the Freedom of Information Act. It shall adopt rules of procedure not inconsistent with the provisions of this part. It shall determine its own rules for procedure.*" [The sentences that precede and follow this excerpt should be included with no other changes.]
2. Publication of legal notice: § 211-6. The statute requires one publication of legal notice having substantial circulation in the municipality "not more than fifteen days nor less than five days before such hearing." General Statutes § 7-147e (a). The ordinance deviates from that by specifying 2 publications and limits the circulation to the Village of Middle Haddam. Recommended amendment: "*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 East Hampton not more than fifteen days nor less than five days before such hearing.*"
3. Grandfathering in of existing parking: § 211-8.B. The ordinance cites the date of May 11, 1977. The enabling statute requires that date to be October 1, 1973. The town does not have the authority to alter the date of the grandfathering clause. The ordinance

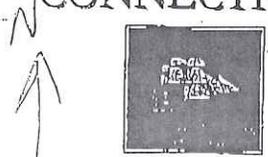
should be amended to delete the 1977 date and substitute the statutorily-mandated 1973 date.

If we can be of further assistance, please let us know.

Attachment A



DRAFT
**MIDDLE HADDAM
 HISTORIC DISTRICT**
 TOWN OF EAST HAMPTON
 CONNECTICUT



Legend

East Hamplon, CT

Errata Report
Middle Haddam Historic District

ID	Remarks
1	Interpreted to be coincident w/ south lot line of 02/09/ROW1
2	Interpreted to extend easterly from north lot line of 07/21/7B
3	Interpreted to extend southerly from east lot line of 02C/21/4A
4	Interpreted to be coincident w/ lot line
6	Interpreted to be in line with east lot line of 02C/12/5B
7	Interpreted to be coincident w/ lot lines
8	Interpreted to be coincident w/ lot lines due to no visible evidence to use for positioning boundary further to the west as shown on source map
9	Interpreted to be coincident w/ lot line and extend easterly to intersect w/ west lot line of 06/12/14A-1
10	Interpreted to be coincident w/ lot line
11	Interpreted to be coincident w/ lot line
12	Interpreted as if boundary was going to connect from SW corner of 06/12/9 to NE corner of 06/11/1 but stops at NW lot line of 06/12/8
13	Interpreted to be coincident w/ lot line
14	Interpreted to be coincident w/ street CL & extend easterly to lot line of 06/12/8
16	Interpreted to connect SE corner of 02/18/20-2B to NW corner of 02/18/21-1E

Attachment B

DU

D'Aquila & Brooks, LLC

547 Main Street · Suite 103

Middletown, CT 06457

Phone: (860) 704-0290 Fax: (860) 704-0545

TO: East Hampton Town Council; Alan H. Bergren, Town Manager

FROM: Jean M. D'Aquila

DATE: April 24, 2007

RE: Boundaries of Middle Haddam Historic District (MHHD)

We have been asked to review the description of the boundaries of the Middle Haddam Historic District as contained within the existing Ordinance. As we have mentioned in previous memoranda, the enabling statute requires that the Ordinance (or amendment thereof) which creates or alters historic district boundaries "shall contain a legal description of the area to be included within the historic district." See C.G.S. §7-147b(j).

Currently, the Ordinance (Chapter 211 of the Town Code) contains a map prepared by Midstate Regional Planning Agency in May 1976 (Attachment 1). The Map depicts the lots within the MHHD and references each sequentially from 1 through 151. The Ordinance also contains a chart (Attachment 2) describing the "special architectural details" of the buildings on many of the numbered lots. The Ordinance also contains a chart (Attachment 3) showing the owners of the 151 Lots in 1976 when the MHHD was created.

Together, the Map and the Attachments are not a satisfactory "legal description of the area" included within the MHHD as they don't describe the perimeter of the MHHD with any precision. One option is to have the MHHD surveyed so that we might prepare a metes and bounds legal description of the perimeter. This is obviously not a cost-effective solution.

A less expensive alternative is as follows: show all of the 151 original lots on the Map with reference to each lot's unique Assessor's Map/Block/Lot number. For any lot that has been subdivided since 1976, the Map/Block/Lot number for all of the newly created lots should be shown as well. Thus, rather than being assigned an arbitrary lot number on the map, each property included within the MHHD is shown by official Assessor's Map/Block/Lot reference. Once this task is completed, we can describe the perimeters of the MHHD by referencing the perimeter Lots. Attachments 2 and 3 would then be amended to reference all lots using Assessor's Map/Block/Lot references and the names of Owners can be deleted.

Please let me know if you have any questions. Thank you.

Memo

To: Jeffrey J. O'Keefe, Town Manager
From: Sandi Wieleba, Town Clerk
Date: 1/28/2010
Re: Middle Haddam Historic District Ordinance

As per your request, I have reviewed the minutes, town attorney opinions and ordinances for the Middle Haddam Historic District. The minute books include the original Middle Haddam Historic Study Committee which was formed in 1976 as well as the original ordinance labeled 14.00 Ordinance Establishing Historic District and Historic Commission for the Town of East Hampton, which was adopted by the Town Council on May 11, 1977. The only reference to the boundaries of the Middle Haddam District is shown on a map entitled, "Middle Haddam Historic District, East Hampton, Conn."

The ordinance was updated in 1981, but it did not alter the boundaries originally set forth in the ordinance and map approved by the Town Council in 1977. Included in the minute books is:

- ⚡ Information from the National Register of Historic Places which outlined the benefits of this organization.
- ⚡ A "Draft Exp. 12/31/84" National Register of Historic Places Inventory – Nomination Form
- ⚡ Two maps – one illustrating Contributing Buildings and Sites and the second illustrating Historic Archaeological Sites

The forms attached to this document were signed by Jan Cunningham; Executive Director of the Greater Middletown Preservation Trust dated April 29, 1983. In the documents was a description of property known as "Church #7, 1864 House #21, possibly ca. 1800" which states "To a great extent, the natural boundaries of the Connecticut River and Hog Hill generally define the boundaries of the National Register district today. The western boundary, however, is extended to the mid-line of the river (Middletown's corporate boundary) to include possible submerged remains of historic archaeological sites associated with shipbuilding". This is the only reference to the middle of the river being included in the historic district.

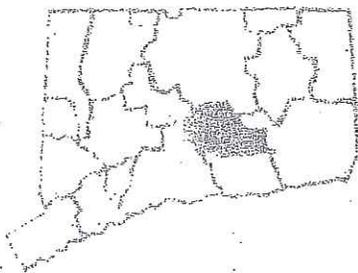
Another item in my office is a letter from Mark Kozikowski, Assistant Regional Planner from Midstate Regional Planning Agency (see attached) which confirms that only one set of boundaries were approved in 1977 and any reference to new boundaries was inaccurate. The map attached is the same map referenced above.

If the Middle Haddam Historic District Commission wishes to amend the ordinance for the Middle Haddam Historic District to include reference to the boundaries being altered, it would need to draft language for inclusion into the codified ordinance. The Town Council would have to hold a public hearing and approve this change.

CC: Town Council
Town Clerk ✓

MIDSTATE REGIONAL PLANNING AGENCY

CROMWELL DURHAM EAST HADDAM EAST HAMPTON HADDAM MIDDLEFIELD MIDDLETOWN PORTLAND



P.O. BOX 139 MIDDLETOWN, CONNECTICUT 06457

TEL. 860 347-7214
FAX. 860 347-6109
mrpa@snet.net

May 24, 2006

Mr. Paul Loether, Director
Historic Preservation & Museum Division
59 South Prospect Street
Hartford, CT 06106

Dear Mr. Loether:

On behalf of the Middle Haddam Historic District Commission, the Midstate Regional Planning Agency is submitting a map of the historical properties in the Town of East Hampton, Connecticut. Please replace the existing map filed with the Historic Preservation & Museum Division of the Connecticut Commission on Culture and Tourism. The previous map is incomplete, and the indication of "new boundaries" on the map is inaccurate. Only one set of boundaries were approved in 1977 and have not been altered since.

Enclosed are two copies the map of the Middle Haddam Historic District. One copy is for your division. Please submit the second copy to the National Register of Historic Places. Thank you.

Sincerely,

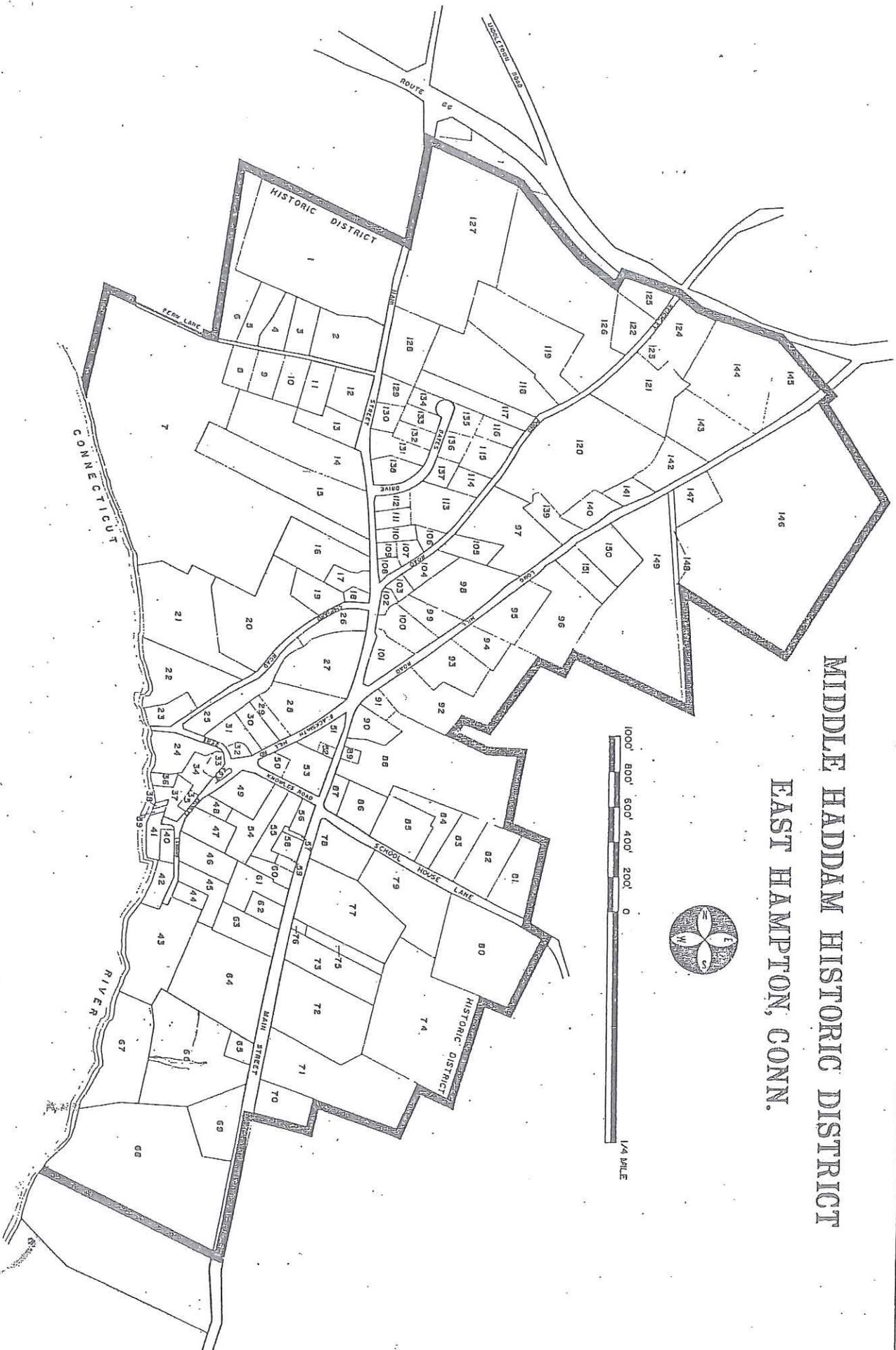
Marek Kozikowski
Assistant Regional Planner

Enc.

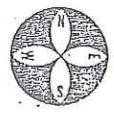
cc. Gerald A. Peterson, Chairman, Middle Haddam Historic District Commission
Alan H. Bergren, Town Manager, Town of East Hampton
Dave Dodes, Town Planner, Town of East Hampton

GEOFFREY L. COLEGROVE
EXECUTIVE DIRECTOR

AN EQUAL OPPORTUNITY EMPLOYER M/F



MIDDLE HADDAM HISTORIC DISTRICT
EAST HAMPTON, CONN.



D'Aquila Law Offices, LLC
547 Main Street - Suite 103
Middletown, CT 06457
Phone: (860) 704-0290 Fax: (860) 704-0545

TO: Jeffery J. O'Keefe, Town Manager, via fax no: 267-1027
FROM: Attorney Jean M. D'Aquila
DATE: October 21, 2009
RE: Ordinance to Amend Historic Districts Ordinance

At your request, I have reviewed Ms. Margaret Faber's comment that the attachment to the above ordinance, labeled "211 Attachment 2 Town of East Hampton Historical Classifications of District" not be deleted from the Ordinance.

As you know, "211 Attachment 2" is an inventory of buildings within the district of historic significance by historical period, special architectural details, owners as of the date the inventory was compiled, and with reference to the lot number shown on the original map of the District prepared by Midstate Regional Planning Agency in 1976 ("211 Attachment 1"). As you also know, the proposed revisions to the ordinance include replacing that older map with a more revised version that identifies properties within the District by current Assessor's Map, Block/Lot information.

There is no statutory requirement that such an inventory be a part of the Ordinance. Our thought was that maintaining "211 Attachment 2" (and "211 Attachment 3" for that matter) within the Ordinance while substituting the new map containing different lot references would create confusion. Certainly, removing the inventory from the Ordinance does not mean that the valuable information on the inventory will be lost. The inventory would remain an important reference and source of information for the District and its Commission.

That said, there is also no statutory prohibition against including such an inventory within the Ordinance. If it is the recommendation of the Middle Haddam Historic District Commission ("MHDC") that the inventory known as "211 Attachment 2" be maintained within the Ordinance, this would be acceptable. The MHDC would have to keep in mind of course that the map references and owner names within the inventory are outdated as they proceed to perform their duties under the Ordinance.

A final word of caution: Ms. Faber offers that the inventory could be revised with little effort to include the lot numbers as shown on the new map and current street numbers instead of owners' names. While this may be true, it would take another Ordinance revision to incorporate those revisions. If the inventory remains a part of the Ordinance, it can only be amended by the Town Council via the Charter-required amendment process prescribed in Charter Section 2.4 et seq.

14.00 ORDINANCE ESTABLISHING HISTORIC DISTRICT
AND HISTORIC COMMISSION FOR THE TOWN OF
EAST HAMPTON
LEGAL NOTICE

Sec. 1. To promote the educational, cultural, economic and general welfare and to preserve the antique rural atmosphere of the Town through the preservation and protection of buildings and places of historic interest by the maintenance of such as landmarks in the history of architecture and of the Town, and through the development of appropriate settings for such buildings, there is hereby established an Historic District in the Town, to be known as "Middle Haddam Historic District" and the boundaries of HISTORIC DISTRICT are shown on a map delineating the area involved, which map is incorporated herein by reference, and entitled "Middle Haddam Historic District."

PURPOSE

Sec. 2. An Historic District Commission is hereby established which shall consist of five members and three alternate members, none of whom shall hold a salaried public municipal office in said Town, to be appointed within fifteen days of the effective date of this ordinance by the Board of Selectmen in such a manner that one member be appointed for a term expiring on the first day of January 1978, one for a term expiring on January 1, 1979, one for a term expiring on January 1, 1980, one for a term expiring on January 1, 1981, and one for a term expiring on January 1, 1982, one alternate member for a term expiring on January 1, 1978, one alternate member for a term expiring on January 1, 1979, and one alternate member for term expiring on January 1, 1980. All subsequent appointments shall be made by the board of Selectmen and shall be for a term of five years except that an appointment to fill an unexpired term shall be for the duration of said unexpired term only. At all times at least three members and two alternate members of the Commission shall be residents within the Middle Haddam Historic District hereinabove established.

ESTABLISHMENT

OF

COMMISSION

Within a period of thirty days after the appointment of members of the first commission said members shall meet, organize and elect a Chairman, Vice-Chairman and a Clerk from its own members, and within a period not exceeding thirty days after the first of January of each succeeding year commencing in 1978 the members of the Commission shall elect a Chairman, Vice-Chairman and Clerk from its members. Alternate members shall not participate in any election of officers of the Commission. In all other matters, when a member of the Commission is unable to act at a particular time because of absence, sickness, disqualification by

ORGANIZATION

reason of personal interest, or other good reason, he shall notify the Chairman of the Commission and the Chairman shall designate an alternate member to serve in the place of such member. All members and alternates shall serve without compensation.

Sec. 3. The Commission shall have such powers, shall perform such functions and shall be subject to such limitations as shall from time to time be prescribed by the applicable General Statutes of Connecticut. The Commission shall fix the time and place of its regular meetings and provide a method for calling special meetings. It shall determine its own rules of procedure. The presence of four members or alternate members shall constitute a quorum, and no resolution or vote except a vote to adjourn or to fix the time and place of its next meeting shall be adopted by less than three affirmative votes. The Commission may adopt regulations, rules of procedure and orders to carry out the purpose of this ordinance.

POWERS

Sec. 4. No building or structure shall be erected altered, restored moved or demolished within the Middle Haddam Historic District until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the Commission and approved by said Commission. "Exterior architectural features" shall include such portion of the exterior of a structure as is open to view from a public street, way or place. The style, material, size and location of outdoor advertising signs and bill posters within the Middle Haddam Historic District shall also be under the control of the 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.

CERTIFICATE

OF

APPROPRIATENESS

Sec. 5. (a) The Commission shall hold a public hearing upon each application for a certificate of appropriateness. Notice of 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 Village of Middle Haddam to be held at least seven days after the filing of an application as required by Section 4. The Commission shall pass upon such application and shall give written notice of its decision to the applicant. Evidence of approval, as referred to in Section 4, shall be certificate of appropriateness issued by the Commission. Failure of the Commission to act within sixty days shall constitute approval

HEARINGS

and no evidence of approval shall be needed. The Commission shall keep a record of all applications for certificates of appropriateness and of all its doings.

(b) In its deliberations the Commission shall not consider interior arrangement or use and shall take no action except for the purpose of preventing the erection, reconstruction, restoration, alteration or razing of buildings in the Middle Haddam Historic District obviously incongruous with the historic aspects of the District. The Commission shall set forth its reasons for approving or denying each application for a certificate of appropriateness in its written notice of its decision to the applicant and in the Commission record of its proceedings.

RESPONSE

Sec. 6. If the Commission determines that the proposed erection, construction, restoration, alteration or razing will be appropriate, it shall issue a certificate of appropriateness. In the passing upon appropriateness the Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style and general design of the architectural features involved, and the relationship thereof to the exterior architectural style and pertinent features of other structures in the immediate neighborhood. 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. A certificate of appropriateness may be refused for any building or structure, the erection, reconstruction, restoration, alteration or razing of which, in the opinion of the Commission would be detrimental to the interest of the Middle Haddam Historic District.

DETERMINING

APPROPRIATENESS

Sec. 7. Where, by reason of topographical conditions, District borderline situations, immediately adjoining existing developments or because of other unusual circumstances, the strict application of any provisions of Section 7-147a to 7-147l, inclusive, of the General Statutes of Connecticut (1963 Supplement) as amended, or of this ordinance 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, modifications or interpretation

VARIATIONS

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 variances, the Commission may impose such reasonable and additional stipulations and conditions as will in its judgment better fulfill the purpose of said sections.

Sec. 8. If any action or ruling taken by the Commission pursuant to the provisions of Sections 7-147a to 701471, inclusive, of the General Statutes of Connecticut (1963 Supplement), as amended, or pursuant to the provisions of this ordinance has been violated, the Commission may, in addition to other remedies, institute an action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, razing, maintenance or use to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land. Regulations and orders of the Commission issued pursuant to said sections of the General Statutes of Connecticut (1963 Supplement), as amended, or of this ordinance, shall be enforced by the Building Inspector of the Town of East Hampton, hereinafter referred to as the Building Inspector. The Building Inspector is hereby 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 of the General Statutes of Connecticut (1963 Supplement), as amended, or of this ordinance. The owner or agent of any building or premises where such a violation as been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building or premises in where such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in such violation, shall be fined not more than one hundred dollars for each day that such violation continues. However, if the offence is willful, the person convicted thereof shall be fined not more than one hundred fifty dollars for each day that such violation continues, and the circuit court for the 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.

PREVENTING

ILLEGAL

ACTS

Sec. 9. Any person or persons severally or jointly aggrieved by any decision of the Commission or of any officer thereof may, within fifteen days from the date when such decision

APPEALS

was rendered, take an appeal to the Court of Common Pleas for Middlesex County, which appeal shall be made returnable to such court in the same manner as that prescribed for 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 would be the same as that defined in Section 8-8 of the General Statutes of Connecticut (Revision of 1958) as amended.

Sec. 10. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior feature in the Middle Haddam Historic District which does not involve a change of design thereof nor to prevent the construction, reconstruction, alteration, or demolition of any such feature which the building inspector certifies is required by the public safety because of an unsafe or dangerous condition; nor to prevent the construction, reconstruction, alteration or demolition of any such feature under a permit issued by the building inspector prior to the effective date of establishment of the District.

EXEMPTED

ACTS

Sec. 11. The boundaries of the Middle Haddam Historic District shall be as shown on a map, "Middle Haddam Historic District, East Hampton, Conn." attached hereto and incorporated and made a part of this ordinance.

BOUNDARIES

Sec. 12. This ordinance shall take effect 15 days after its publication in a newspaper having recognized circulation in the Town of East Hampton.

BOARD OF SELECTMEN

Eaton E. Smith, Chairman

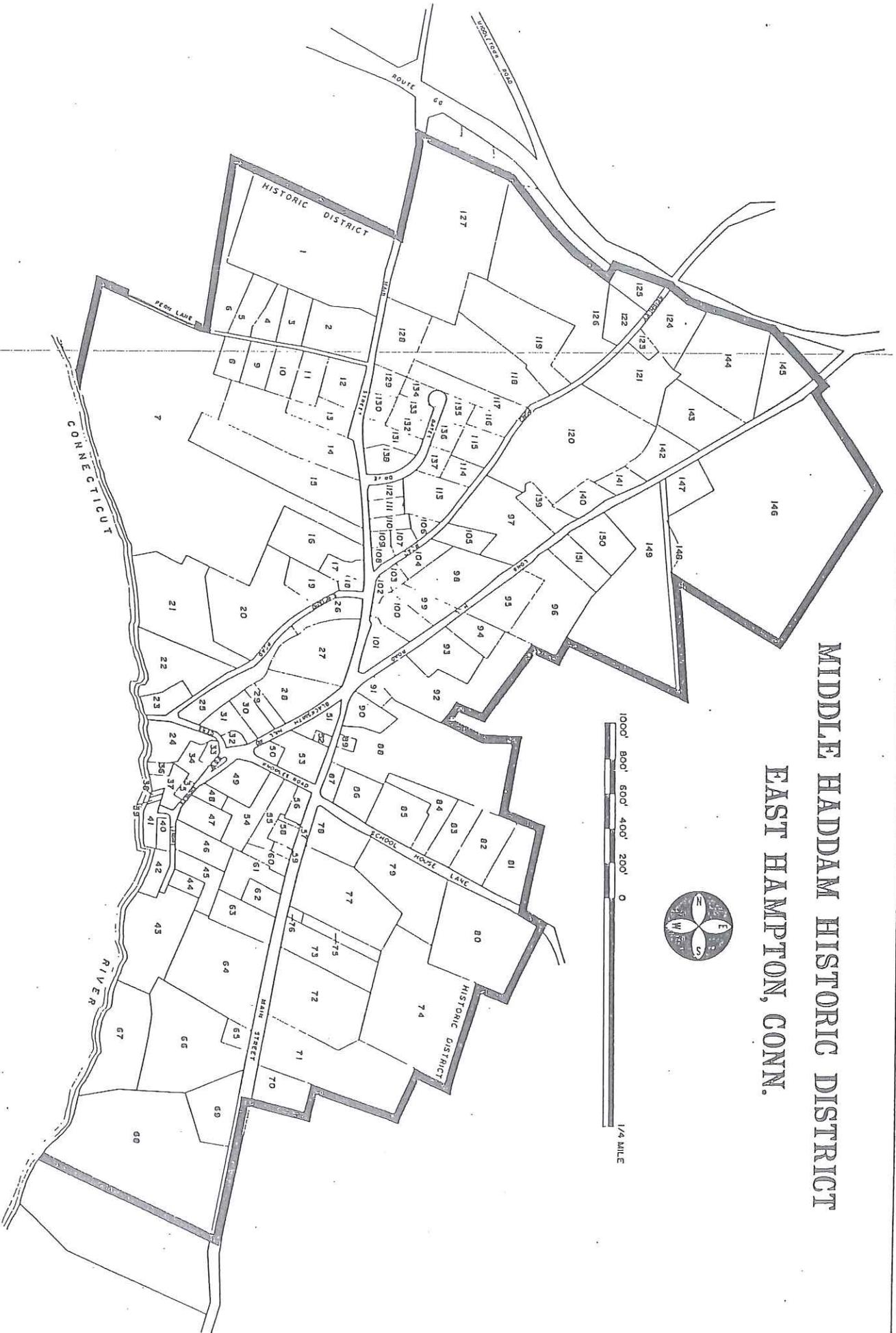
Robert L. McKinney

Edward S. G. Hicks, Jr.

Mary Ann Barton

Robert N. Ostergren

MIDDLE HADDAM HISTORIC DISTRICT EAST HAMPTON, CONN.



O'Keefe, Jeff

From: James Royster [jyroyster@sbcglobal.net]
Sent: Tuesday, September 29, 2009 10:40 AM
To: O'Keefe, Jeff
Cc: Sirois, Cathy; Engel, Melissa
Subject: Proposed Historic District Ordinance changes

Dear Mr. O'Keefe:

With reference to the Town Council's proposed changes to the Middle Haddam Historic District ordinance, as transmitted to me by your office via email on September 8, 2009, this is to inform you that the Middle Haddam Historic District Commission reviewed those proposals at its regular meeting on September 24, 2009, and voted to inform the Town Council that the commission has no additional comments or suggestions in connection with those proposed revisions.

Very truly yours,

James Royster
Chair, MHHDC

9/29/2009

Historic District Commission

Middle Haddam, Connecticut 06456

November, 1981

At a meeting of the East Hampton Board of Selectmen on September 4, 1981, a revised Historic District Ordinance was passed.

This Ordinance was revised to conform to revisions in the State Statute No. 80-314, as follows:

1. Sec. 2a - Members and alternates must be electors.
2. Sec. 2b - Votes of each member shall be recorded.
3. Sec. 4b - Clarifies order. Certificate of Appropriateness shall be issued prior to building permit.
4. Sec. 4c - Application to demolish building must state how property shall be left.
5. Sec. 5a - Notice requirement changed to conform with other public hearing requirements.
6. Sec. 6b - Certificate of Appropriateness necessary for parking for industrial, commercial, business, home industry or occupational parking.
7. Sec. 6c - Commission recommends adaptive reuse of buildings.
8. Sec. 7 - Commission must place on record reasons for variances.
9. Sec. 8b - Penalties changed from maximum \$100/day to minimum \$10/day and maximum \$100/day, willful violations changed from maximum \$150/day to minimum \$100/day, maximum \$250/day. Provides that fines be applied to restore buildings, structures and places to condition prior to the violation.

A copy of this ordinance follows, along with an instruction sheet for completion of Applications for Certificate of Appropriateness.

Homeowners are reminded that an Application for Certificate of Appropriateness is required before commencing the erection of a building or structure or any alteration of an exterior architectural feature, whether or not a building permit is required.

Tamzen MacKeown, Chairman
Minor G. Kretzmer, Jr., Vice Chairman
Lois E. McCutcheon, Clerk
Curtiss S. Johnson, Jr.
Theodore Hintz, Jr.
Graydon B. Rich, Alternate
John Nilsen, Alternate
Jan Cunningham, Alternate

MIDDLE HADDAM
HISTORIC DISTRICT
ORDINANCE

SECTION 1 - PURPOSE

To promote the educational, cultural, economic, and general welfare and to preserve and protect the distinctive characteristics of buildings and places associated with the history of the town or indicative of a period or style of architecture, there is hereby established an Historic District in the town, to be known as "Middle Haddam Historic District", and the boundaries of Historic District are shown on a map delineating the area involved, which map is incorporated herein by reference, and entitled "Middle Haddam Historic District".

SECTION 2a - MEMBERSHIP AND RECORDS

This Historic District Commission established under the provisions of this act shall consist of five regular and three alternate members, who shall be electors of the town in which the district is situated holding no salaried municipal office. At least three members and two alternates of the Historic District Commission shall reside in the Historic District. 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 Board of Selectmen shall make appointments to the Commission as follows: One member to be appointed for a term expiring January 1, 1982, one for a term expiring January 1, 1983, one for a term expiring January 1, 1984, one for a term expiring January 1, 1985, and one for a term expiring January 1, 1986, and one alternate member for a term expiring January 1, 1983,

one alternate member for a term expiring January 1, 1984, and one alternate member for a term expiring January 1, 1985. All subsequent appointments shall be made by the Board of Selectmen and shall be for a term of five years except that an appointment to fill an unexpired term shall be for the duration of said unexpired term only. 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 an additional term or terms.

SECTION 2b - The Historic District Commission shall keep a permanent record of its resolutions, transactions, and determinations and of the vote of each member participating therein.

SECTION 3 - DUTIES

The Commission shall have such powers, shall perform such functions and shall be subject to such limitations as shall from time to time be prescribed by the applicable general statutes of Connecticut. The Commission shall fix the time and place of its regular meetings and provide a method for calling special meetings. It shall determine its own rules for procedure. The presence of four members or alternate members shall constitute a quorum, and no resolution or vote except a vote to adjourn or to fix the time and place of its next meeting shall be adopted by less than three affirmative votes. The Commission may adopt regulations, rules of procedure and orders to carry out the purpose of this ordinance.

SECTION 4a - DEFINITIONS

As used in this ordinance: "act" means the provisions of Sections 7-147a through 7-147k of the general statutes, as the same may be amended from time to time. "altered" means

changed, modified, rebuilt, removed, demolished, restored, razed, moved, or reconstructed: "erected" means constructed, built, installed, or enlarged; "exterior architectural features" means such portions of the exterior of a structure or buildings 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 the Town of East Hampton.

SECTION 4b - CERTIFICATE OF APPROPRIATENESS

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.

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.

SECTION 4c - 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.

SECTION 5a - CERTIFICATE OF APPROPRIATENESS - HEARING APPROVAL NOTICE

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 for 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 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.

SECTION 5b- Within not more than sixty 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. 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. 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 shall be by Certificate of Appropriateness issued by the Commission. Failure of the Commission to act within said sixty days shall constitute approval and no other evidence of approval shall be needed. The Commission shall keep a record of all applications for Certificates of Appropriateness and of all its doings.

SECTION 6a - CONSIDERATIONS IN DETERMINING APPROPRIATENESS

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, aboveground 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. 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.

SECTION 6b - 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 May 11, 1977.

SECTION 6c - 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.

SECTION 7 - VARIANCES

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 provisions of this act 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 this ordinance or to interpret the meaning of this act so as to relieve such difficulty or hardship; provided such variance, modifications, or interpretation shall remain in harmony with the general purpose and intent of this act so that the general character of the district shall be conserved and substantial justice done. In granting variances, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purpose of this act. In addition to the filing required under the Act, the Commission shall, for each variance granted, place upon its records and in the notice to the applicant the reasons for its determination.

SECTION 8a - JUDICIAL RELIEF

If any provision of this act or any action taken or ruling made by the provisions of this ordinance or of any regulation or ordinance adopted under this act 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 this act or any bylaw or ordinance adopted under this act or the substantial restoration of any building, structure, or exterior architectural feature altered or demolished in violation of this act or any regulation or ordinance adopted under this act. Regulations and orders of the Commission issued pursuant to this act, or to any regulation or ordinance adopted under this act, shall be enforced by the building inspector, 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 this act or of any regulation or ordinance adopted under this act.

SECTION 8b - VIOLATIONS

The owner or agent of any building, structure, or place where a violation of any provision of this ordinance 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 (\$10.00) nor more than one hundred dollars (\$100.00) 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 (\$100.00) nor more than two hundred fifty dollars (\$250.00) 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. Any excess shall be paid to the municipality in which the district is situated.

SECTION 9 - APPEALS

Any person or persons severally or jointly aggrieved by any decision of the Commission or of any officer thereof may, within fifteen days (15) from the date when such decision was rendered, take an appeal to the Superior Court for the Judicial District of Middlesex County, 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 would be the same as that defined in Section 8-8 of the General Statutes.

SECTION 10 - EXCEPTIONS

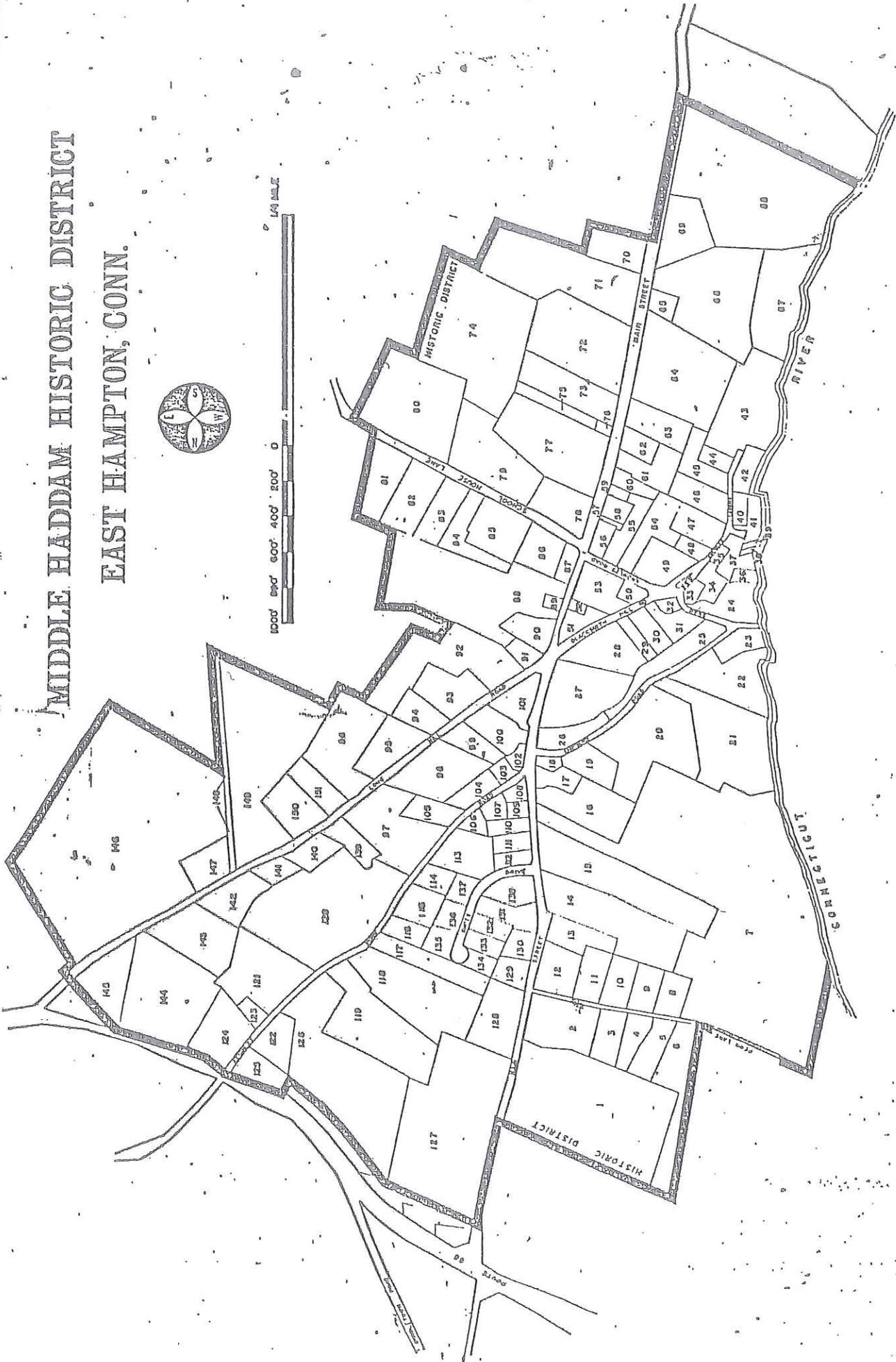
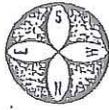
Nothing in this act shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a change in

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.

SECTION 11 - The boundaries of the Middle Haddam Historic District shall be as shown on a map, "Middle Haddam Historic District, East Hampton, Conn." attached hereto and incorporated and made a part of this ordinance.

SECTION 12 - This ordinance shall take effect on SEPTEMBER 4, 1981.

MIDDLE HADDAM HISTORIC DISTRICT EAST HAMPTON, CONN.



Historic District Commission

Middle Haddam, Connecticut 06456

INSTRUCTIONS FOR PREPARATION OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

1. Applications available at Middle Haddam Post Office.
2. Applications required whether or not a building permit is required, but prior to obtaining a building permit.
3. Applications must be received by the Commission fifteen (15) days prior to regular meeting to allow sufficient time for publication of legal notices if a public hearing is to be held.
4. Meeting of the Commission are held on the first Wednesday of each month at 7:30 p.m. at Middle Haddam Post Office.
5. Fill out application in full, being sure to include the following:
 1. Date of application
 2. Full and complete description of proposed work
 3. Full and complete description of all materials to be used
 4. Exhibits:
 - a. Photo of proposed work area
 - b. Architect's drawing or to-scale plan of proposed work with dimensions
 - c. Plot plan with siting of present and proposed structures
 5. When existing materials are to be replaced, a written description is adequate.
6. Mail application to:

Middle Haddam Historic District Commission
P. O. Box 210
Middle Haddam, Connecticut 06456

Code: _____

Town of East Hampton, Connecticut
MIDDLE HADDAM HISTORIC DISTRICT COMMISSION

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

Application Number _____

Application Date _____

Date of Receipt by Commission _____

Application is hereby made for the issuance of a Certificate of Appropriateness under an "Ordinance Establishing An Historic District and Historic Commission for the Town of East Hampton" effective June, 1977, as amended, and enacted pursuant to the enabling authority contained in Public Act No. 430 of the 1961 session of the Connecticut Assembly, for proposed work as described in detail below and as set forth on accompanying exhibits.

[Please Print]

Applicant _____ Telephone _____

Applicant's Address _____

Address of Proposed Work _____

Owner _____ Telephone _____

Agent or Contractor _____ Telephone _____

Approximate Date of Original Structure _____

General Description of Proposed Work:

List of Materials to be Used:

*List of Attached Exhibits:

*It is recommended that the applicant submit plans, photographs, drawings, sketches or other such exhibits to aid the commission in its evaluation of the application.

Signature of Applicant