

CHAPTER 90
TOWN LANDMARK DISTRICT
(TLD)

Section 090-010 Purpose

The provisions of this Chapter are designed to permit modification of the strict application of the Comprehensive Plan and standards of the Zoning Regulations as they apply to town landmarks. The purpose of this Chapter is to preserve the cultural, historical and architectural heritage of the town. In so doing, it is recognized that certain structures and land areas have value as town landmarks, which value transcends, the ordinary standards incorporated in the Zoning Regulations and, therefore, requires that each individual site be considered a special case. It is declared to be the policy of this regulation that significant landmarks of the town should be preserved, insofar as doing is consistent with the sound development of New Milford, in accordance with the policies of the Town Plan of Conservation and Development.

Section 090-020 Definition and Standards

A town landmark shall be any building, structure, group of structures or natural feature, together with the site of land on which standing, as designated under these regulations by the Zoning Commission. In order to define a town landmark, the Commission shall determine on the basis of factual data, or expert opinion, that the landmark possesses a degree of historic significance, architectural uniqueness or cultural value which would represent a severe cultural loss to the community, if destroyed or altered, and that the preservation of the landmark warrants special regulations for its protection and proper use. For the purposes of these regulations, the designation of any building, structure, group of structures or natural feature or site, as a historical structural or site, by any local, state or federal agency, shall be prima facie evidence that the same is a town landmark.

Section 090-030 Permitted Uses

The Zoning Commission may permit any use or combination of uses in a Town Landmark District which would be permitted in any Residential Zone (including the Multi-Family Residential Zone) or in any B-1 Zone in the Town of New Milford, provided that the Commission finds that such a use would be beneficial to and consistent with the orderly development of the town.

Section 090-040 Application Requirements

1. Preliminary Application

The Commission would recommend that, prior to submission of an official application for approval of a Town Landmark District, the applicant prepare and present a preliminary plan of the proposed Town Landmark District for informal study and consideration by the Commission. The preparation of a preliminary plan of development

is recommended to facilitate general consideration of factors and problems that affect or may affect the development of the land being submitted for a Town Landmark District prior to proceeding with the preparation of the fully detailed maps, plans, documents and presentation required for formal consideration by the Commission. Presentation of the Town Landmark District for consideration in preliminary, rather than in a final form allows for any changes or alterations, recommended or required by the Commission, to be more readily and economically made. Neither the preliminary presentation nor its informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for, and approval of, a Town Landmark District as contemplated herein or under the provisions of the General Statutes of the State of Connecticut.

2. Guidelines for Applying Standards for Rehabilitation

Rehabilitation means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

- a. Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
- b. The distinguishing original qualities or character of a building structure or site and its environment shall not be destroyed. The removal or alteration of any historic materials or distinctive architectural features should be avoided, when possible.
- c. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- d. Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- e. Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure or site, shall be treated with sensitivity.
- f. Deteriorated architectural features shall be repaired, rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- h. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

- i. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- j. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- k. The provisions of The Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, January 1980 (rev.) As prepared by National Parks Services.

3. Review Committee

There shall be a Review Committee composed of three (3) members each from the New Milford Historical Society and the New Milford Trust for Historic Preservation. The functions of the Review Committee shall be twofold:

- a. The applicant shall be required to submit his proposal to this Review Committee prior to formal application to the Zoning Commission. The purpose of this portion of the review procedure by the Committee shall be solely to advise the Zoning Commission as whether the application qualifies under Section 090-020 Definitions and standards of this Chapter as a town landmark. The Committee shall render its opinion within sixty (60) days of receipt from the applicant.
- b. At the same time that the applicant submits the above information, he shall submit a set of the same general plans as subsequently described in this regulation. The Review Committee shall examine these plans and shall submit its recommendations to the Zoning Commission no later than the public hearing date as set by the Zoning Commission. These recommendations shall be advisory to the Zoning Commission and shall form part of the public hearing testimony.
- c. In order to allow thorough review of these plans by the Committee, the Zoning Commission shall allow the Committee sixty (60) days from the date the latter receives the application until the date set for the public hearing.

4. Formal Application Requirements

Any application for approval of a Town Landmark District shall be submitted in writing and shall be accompanied by the following:

- a. Statement. A written statement specifying in detail the particular provisions of those Zoning Regulations which it is proposed be modified and setting forth any additional standards which are proposed concerning the use of the land, buildings, and other structures, and the location and size of the buildings and other structures: ten (10) copies shall be submitted.
- b. Plans. A plan of the proposed development, including a site plan complying with

Chapter 175 of the Zoning Regulations, indicating thereon proposed buffer zones, architectural work ups, layouts and other items as may be relevant in sufficient detail to show the nature of the development.

- c. Special documentation. Sufficient documentation to establish the historic, cultural or architectural significance of the proposed Town Landmark District.
- d. Procedure. The application shall be submitted to the Commission and shall be accompanied by a fee sufficient to cover the public cost of all required legal notices. In acting on any application, the Commission shall hold a public hearing on the application in the same form and manner as required by Chapter 180 of these regulations and the Connecticut General Statutes, as amended. After appropriate public hearing and findings, the Commission may approve, disapprove or approve the application subject to modifications, if it shall find that one (1) or more of the purposes set forth in Section 090-010 will be accomplished and the proposed Town Landmark District is consistent with the Plan of Conservation and Development for the area encompassing the proposed district. At such time as the application is approved, the Town Landmark District shall be considered established and these regulations and the Zoning Map shall be considered to be modified to permit establishment of the district as approved. Any modifications by the Commission shall not amend the plan in any substantial manner. It is the intent of the Commission that the plan, as finally approved, shall be substantially the same as that presented at the public hearing.
- e. Conditions. The Commission may attach any condition or conditions to its approval as it considers necessary in order to protect the public health, safety, convenience and property values and in order to assume continuing conformance to the approved plan. It may also require the posting of suitable performance bond in accordance with the provisions of Chapter 180 of these regulations.
- f. Notation of changes. A suitable notation shall be made in the Zoning Regulations and on the Zoning Map, identifying any property for which a Town Landmark District has been approved.
- g. Amendments. Application for changes in approved plans shall be made and acted upon in the same manner and procedure as required for the initial application.

Section 090-050 Method of Identification

Each Protected Landmark District shall be suitably marked by an identification plaque approved by the Commission and describing its significance. All signs, and the identification plaque, shall continue to meet the sign provisions of these regulations.

Section 090-060 Special Enforcement Procedures

The Zoning Enforcement Officer and the Zoning Commission shall be charged with the enforcement of these regulations pursuant to the provisions of Chapter 180 of the Zoning Regulations; provided, however, that the Zoning Enforcement Officer may consult with the Review Committee when determining questions of enforcement arising out of interpretations of the guidelines set forth in Section 090-040 of these regulations.