

Legislative History for Connecticut Act

HB2271

PA430

1961

Senate: P. 2279-2281

House: P. 1566-1568; 1713

State Development: P. 249-262; 283;  
P. 288-289

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CONNECTICUT  
GENERAL ASSEMBLY

SENATE

PROCEEDINGS

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PAGES 2180 - 2586

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THE CLERK:

Page 21 of the calendar. Matters returned from Legislative Commissioner. Cal. No. 346. File No. 462 and 602. Sub. Senate Bill No. 251. An Act concerning the Giving of Notice to Political Subdivisions. (As amended by Senate Amendment Schedule "A".)

THE CHAIR:

Senator Falsey of the 8th district.

SENATOR FALSEY:

Mr. President, may that bill stand over and retain its place.

THE CHAIR:

The bill will stand over and retain its place on the calendar.

THE CLERK:

Page 22. Cal. No. 729. File No. 869 and 1031. Sub. Senate Bill No. 654. An Act increasing Minimum Wages. (As amended by Senate Amendment Schedule "A".)

SENATOR GLADSTONE:

Mr. President, may that bill stand over and retain its place on the calendar?

THE CHAIR:

Cal. No. 729 will be passed over and retain its place on the calendar.

SENATOR GLADSTONE:

Mr. President, on page 24 of the calendar, Cal. No. 662 which is on the foot of the calendar, and Cal. No. 831 on Page 25, I move, Mr. President, that these come out of the foot and be ready for action.

*Sub H.B. 2271*

*Sub H.B. 2298*

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THE CHAIR:

Cal. No. 662 and Cal. No. 831 will be removed from the foot of the calendar and put on the regular calendar.

THE CLERK:

Page 24 of the calendar. Cal. No. 662. File No. 505. Sub. House Bill No. 2271. An Act concerning the Establishment of Historic Districts.

THE CHAIR:

Senator Marcus of the 9th district.

SENATOR MARCUS:

Mr. President, I move the acceptance of the committees favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR MARCUS:

Mr. President, this is permissive legislation, whereby the legislative body in a municipality can establish an Historic District for the purpose of maintaining historic landmarks. Once this was done, a Historic District Commission, would then be created and this would result in no building being altered within the district without the exteriorous architectural features being approved by the Commission.

THE CHAIR:

Are there further remarks? Senator Doocy of the 4th district.

SENATOR DOOCY:

Mr. President, I would like to remark on this bill with reference to some of our local areas, and I think of particular

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interest is the Town of Wethersfield where we have located a possible Historic District. I think if we stop and think about some of the ramifications, and some of the things that may happen, in an area which has, for example, Webb House that has been listed in the National Historic Area, the house that Washington and Rochambeau planned the Battle of Yorktown, we find that we have the possibility of developing for the State of Connecticut, not only in Wethersfield but in some of the other areas that are interested in this bill, an opportunity to attract summer tourists, attract some of the people that would like to look at the place and might someday develop into a Sturbridge Village or other places of that nature. The legislation that is involved here is highly permissive. There is the provisos for people who feel that they are injured in any fashion in the bill, it is of interest, particularly as I've said, like Wethersfield, like Glastonbury, and some of the other towns in the area who have, for example, Wethersfield has approximately 200 homes that could fall rightfully into the area of a Historic Village.

THE CHAIR:

Any further remarks? If no further remarks, the question is on acceptance of the committees favorable report and passage of the bill. Those in favor will signify by saying "aye". Opposed. The bill is passed.

THE CLERK:

Page 25 of the calendar. Cal. No. 831. File No. 723.  
Sub. House Bill No. 2298. An Act to Conserve Open Spaces. (As amended by House Amendment Schedule "A").

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HOUSE

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Tuesday, May 9, 1961.

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merger and are waiting for permission to do so. This merger was discussed prior to 1960 and the loss by fire of the Second Congregational Church building in 1960 made the question of merger one of immediate importance. All property, real and personal, owned by the two ecclesiastical corporations will become the property of the new church. Upon the passage of this bill by the House, I will move for immediate transmittal to the Senate, as the new church would like to be able to accept new members on May 21st.

THE SPEAKER:

The question is on the acceptance of the Committee's favorable report and passage of the bill. Will you remark further? If not, all those in favor say aye; opposed no; the ayes have it and the bill is passed.

THE SPEAKER:

The question now is on the suspension of the rules for immediate transmittal to the senate. All those in favor say aye; opposed no; the ayes have it and the rules are suspended.

MRS. CRONK OF WOODBURY:

Mr. Speaker, I move for immediate transmittal to the senate.

THE SPEAKER:

The question now is on transmittal to the senate immediately. All those in favor say aye; Opposed no; the ayes have it and the bill will be transmitted immediately.

THE CLERK:

Calendar No. 473, File No. 505, Substitute for House Bill No. 2271, an Act concerning the Establishment of Historic Districts.

Favorable report Joint Committee on State Development.

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A VOICE: Mr. Speaker.

THE SPEAKER: The gentleman from Guilford.

MR. ORCUTT: of Guilford:

I move for the acceptance of the Joint Committee's favorable report and the passage of the bill.

THE SPEAKER:

The question is on the acceptance of the Committee's favorable report and passage of the bill. Will you remark?

MR. ORCUTT OF GUILFORD:

Mr. Speaker, this bill would enable municipalities to establish historic districts. There has been a great deal of interest in this legislation throughout the state. This bill follows the pattern set by Special Act passed by the 1959 General Assembly concerning the old and historic districts of Litchfield. At the hearing, there was favorable comment by many speakers and nobody opposed it. I move the passage of the bill.

THE SPEAKER: Will you remark further?

A VOICE: Mr. Speaker.

THE SPEAKER: The gentleman from Meriden.

MR. SHEA OF MERIDEN:

May this matter be temporarily passed? I understand there is some discussion concerning certain draftmen - the draftsmanship of the bill.

MR. PATTERSON OF GUILFORD:

Mr. Speaker, may I inquire of the gentleman from Meriden - you mean passed until tomorrow or --

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MR. SHEA OF MERIDEN:

No, just temporarily passed.

MR. PATTERSON OF OLD LYME:

No objection.

THE SPEAKER: The matter will be passed retaining.

THE CLERK:

Will you please return to page 3 of the Calendar, the second item from the bottom. This is Calendar No. 443, File No. 472, House Bill No. 2792, an Act concerning Arrests by Local Police Officers.

Favorable report, Joint Committee on Judiciary and Governmental Functions.

This bill was retained.

A VOICE: Mr. Speaker.

THE SPEAKER: The gentleman from Monroe.

MR. GORMLEY OF MONROE:

I again move for the acceptance of the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

The question is on the acceptance of the Committee's favorable report and passage of the bill. Will you remark?

MR. GORMLEY OF MONROE:

The problem raised by the gentleman on the other side has been resolved. I think my explanation originally, explained the purpose of the bill. I now urge its passage.

THE SPEAKER: Will you remark further? If not, all those in favor say aye; opposed no; the ayes have it and the bill is passed.

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of Grange Mutual Insurance Companies, Incorporated. Favorable report of the Joint Committee on Insurance.

MR. BYRNES ( Pomfret )

Mr. Speaker, I move acceptance of the committees favorable report and passage of the bill. The act permits the Patrons Mutual Fire Insurance Company to extend its charter to become eligible for membership in the national federation of Grange Mutual Insurance companies for purpose of reinsurance. I move its passage.

THE SPEAKER:

Will you remark further? If not all those in favor say aye opposed no. The ayes have it. The bill is passed.

THE CLERK:

Calendar 473 File 505 Substitute for House Bill No. 2271  
An Act concerning the Establishment of Historic Districts. Favorable report of the Joint Committee on State Development.

MR. ORCUTT ( Guilford )

Mr. Speaker, I move the acceptance of the committees favorable report and the passage of the bill. This bill would enable towns to establish historic districts. Its patterned after legislation of other states and also the Litchfield historic district which was passed in 1959. Its a good bill and should pass.

THE SPEAKER:

Will you remark further? If not all in favor, signify by saying aye, opposed no. The bill is passed.

JOINT  
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HB-2196 (Earle) REHABILITATION OF FOREST LANDS.

Chairman Marcus: Anyone opposed to HB-2196? The hearing is closed on HB-2196. The hearing will now open on HB-2271.

HB-2271 (Orcutt) ENABLING TOWNS TO ESTABLISH HISTORIC DISTRICTS.

Rep. Orcutt: Speaking in favor of HB-2271 which is a general statute enabling towns to establish historic districts. Because I know there will be a great many people speaking on this bill, I'll keep my remarks brief. First, in regard to the legal background. I'll quote to you a section from the decision of Berman versus Parker by Justice Douglas, United States Supreme Court. "It is within the power of the Legislation to determine that a community should be beautiful as well as healthy; spacious as well as clean; well balanced as well as carefully patrolled." In relating to a specific case in the District of Columbia, Justice Douglas said, "If those who govern the District of Columbia decide that the nation's capitol should be beautiful as well as sanitary, there is nothing in the first amendment that stands in the way."

Now, in regard to historic districts. I think that we should recognize just what we're talking about. We're talking about giving the towns power to establish architectural controls over certain areas. I think that very few people can deny that this is a concept that makes a great deal of sense. However, the problem that occurs is in its application and this is where the rub is in this type of legislation.

A number of people became interested in this in my town. I took the idea and working in conjunction with some very learned people drew up this bill. Historic districts are not new. We find historic districts in Alexandria, Virginia, Annapolis, Maryland, Charleston, Georgetown, Natchez, Mississippi, New Orleans, Winston-Salem, Williamsburg - this was a list that was compiled in '56. Most of the areas that now have historic districts are pretty well circumscribed.

In regard to HB-2271, I would suggest a couple of changes that have occurred to me and some others since this bill was drawn up. One item that should be inserted is that a copy of the report of the historic district study committee should be transmitted to the Connecticut Historical Commission for a report. Now this is the key problem. We would ask, the town

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would ask a group of property owners under the provisions of this act to accept an extraordinary control far beyond that which exists in zoning. The control as set out in HB-2271 would be very comprehensive and have to do with the exterior appearance of the building.

Now, two things come to mind if people are going to be asked to accept this type of control. One is that, in my opinion, the property owners should be in general agreement on this and this is not a type of control that should be forced on property owners who are substantially opposed to this. Secondly, we run into a problem of how to design a district. What should be included and what shouldn't be included - the definition of a historic district. I labored with this problem observing the different conditions around the state. I'm unable to define one. But it is something that is desirable, I believe, in limited applications. A historic district might be colonial, it might be victorian, it might relate to an event of the Civil War period. It is no respecter of time. The problem that I see it is that it is desirable for certain communities to have historic districts. It is desirable to accomplish this locally. It is not desirable for the legislature to draw lines in parts of the state where most of the legislators aren't familiar with and determine whether one house or another house should be subjected to such an extraordinary control. Therefore, I ask the committee's favorable consideration if they should consider favorably historic district legislation to the general statute approach in which the towns could tailor their historic districts to the peculiar conditions that exist locally. Thank you very much.

Chester Later, representative from Wethersfield: I'm speaking on Substitute House Bill 3868 which I introduced regarding establishing the old and historic Wethersfield district. I agree in principle with Rep. Orcutt's bill. However, I should like to point out to the members of the committee that we in Wethersfield feel that the historic district of Wethersfield deserves state recognition. As you may or may not be aware, we have a national landmark in Wethersfield in the Webb House.

We feel that we are very much desirous of this special act passing in order that Wethersfield receive a state-wide recognition through this special act. We in Wethersfield have approximately 140 homes built prior to 1800. The town plan commission has approved and supports this act. The zoning commission, the committee for the preservation of old Wethersfield approves and supports this act.

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We feel we are in very special circumstances and we would appreciate your consideration. Lastly, I believe the commission has received a letter supporting this bill from the Connecticut Historical Commission.

Chairman McGee: Now, we're returning to HB-2271. ✓

Thomas Byrne, Connecticut Federation of Planning and Zoning Agencies and this agency wishes to go on record as being in favor of HB-2271. The bill which the committee has before it is somewhat long. I think, however, it probably is not as complicated as it looks at first glance. The bill, in essence provides for the establishment of a historic district study committee in any particular municipality which may wish to take advantage of the opportunities allowed in this legislation.

The historic district study committee is to be composed of five members who would investigate various sections of the town to determine in the first instance whether or not the municipality is able to make use of this legislation because they do have certain historic areas in their town. The historic district committee once its made a survey of the town would transmit its findings to a local planning commission or a planning and zoning commission if one exists, and in keeping with the recommendation of Rep. Orcutt which the federation would endorse, would transmit a copy of its report to the state historical commission, for a report.

The planning commission and the state historical commission would be given thirty days to report back on the recommendation of the study committee. At that point, once the recommendation of the study committee, once the planning commission had given its opinion as to the advisability of establishing a historic district in a given town, a public hearing would be held. The notice of the hearing specified in Section 2 of the act would be by mail and by publication in a newspaper. The notice provisions are quite strict and the purpose of them is to enable everyone in the town to know that a historic district is being proposed and that they can come to the hearing and make whatever points known that they desire to make known.

Once the historic district committee has had its public hearing, it is then to draw up a final report and in this final report, they are to give a complete description of the area which is to be designated as a historic district. The description would go as far as drawing a map showing the exact boundary of the area

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to be included in the proposed district so that everybody in town knows exactly what we're talking about and where we propose to establish the district.

The district study committee would also draft a proposed ordinance to implement the provisions of the statute. Once the historic district study committee has given its report to the legislative body, the legislative body can take three steps. They can act on it favorably or they can reject it or they can send it back to the historic district study committee for further report and revision. Once, if a town once establishes a historic district, the historic district study committee, which was set up to study the feasibility of implementing the provisions of this act, would cease to exist. Thereafter, the ordinance which the town adopts would be administered by a historic district commission composed of five people who are electors of the town.

I think the bill sets forth the terms and their manner of selection which I needn't go into right now.

Section 4. I think, sets forth the real heart of the bill and provides that no building or structure is to be altered unless a certificate of appropriateness is obtained from the historic district commission. When the commission is deciding on whether or not to issue a certificate of appropriateness, they are concerned merely with the outward design of the building. They are not concerned with interior alterations of any kind. They are not concerned with the interior use of the building. They are merely concerned with the overall outward appearances of the building and whether or not the change which the applicant proposes to make would fit into the district.

The power of course is broad and I think Sections 5 and 6 are designed to make the act a little bit less harsh than it would appear to be at first glance. Section 5 provides that the commission in its deliberations on whether or not they will approve the particular alteration will not consider interior arrangement or use. They will take no action under this particular legislation unless the change proposed is obviously incongruous with the historic aspects of the district. We are not concerned with changing door knobs, panes of glass, or one, two shingles on a building. The change which the commission would have to consider would be something which in their feeling has an obvious effect on the district as a whole.

Section 6 provides that nothing in the act is to be construed to prevent which it would consider ordinary repair and maintenance. As long as the ordinary repair and maintenance is not something which is obviously, again, incongruous with the district as a whole.

I would skip for just a moment to Section 9 which provides for variances where a particular land owner may have a particular problem with regard to his particular piece of land or his home. Section 9 sets forth provisions which would allow variances from the provisions of the act where the commission deems that a variance is warranted on a particular facts of the case.

That in essence is what the bill provides. At the last session of the General Assembly, a bill very similar to this bill was passed by the legislature authorizing the establishment of the old and historic district of Litchfield. That act has been on the books for two years. To my knowledge, it has caused no particular problem in the Litchfield area. Massachusetts has had an act similar to this for at least a year and when the legislature in Massachusetts was faced with the problem that you're faced with this afternoon, they requested two advisory opinions from the Supreme Judicial Court of Massachusetts as to whether or not this particular type of legislation could be sustained on aesthetic grounds alone - whether or not it was constitutional. The Supreme Court of Massachusetts was asked to rule on this on two different occasions, once in connection with the Beacon Hill historic district - another time in connection with the historic district of Nantucket Island. In both opinions, the Supreme Court of Massachusetts unanimously decided the act as proposed was not unconstitutional and could be sustained on aesthetic grounds alone.

Our act is patterned to a great extent upon the Massachusetts act and upon the Litchfield act which we now have on our books. Again, we would seek a favorable recommendation from the committee on this bill. Thank you.

B. McNulty, as Chairman of the Glastonbury Heritage Committee, may I say a few words in support of HB-2271. ✓ If Rep. Later of Wethersfield is enthusiastically for historic zoning for a town which has 140 old structures, you can imagine how we feel in Glastonbury where we have 175 buildings constructed before 1800.

The Glastonbury Heritage Committee was created by the Glastonbury Town Council for the specific purpose of helping to preserve the architectural and scenic heritage of Glastonbury, a town in which there is widespread support for historic zoning. So general is this support that our Town Council has responded by voting its unanimous support of HB-2271. ✓

Historic zoning is not a new concept. Massachusetts has a law on its books very much like the bill before us. So has Rhode Island. And here in Connecticut Litchfield has a special act to the same effect. Around the nation, historic zoning has long been in effect in such famous sites as Old Williamsburg, Virginia, and the Vieux Carre section of New Orleans.

The Glastonbury Heritage Committee has made a study of the effect of historic zoning around the country upon the life and economy of persons living under such regulation. We have established two important points. First, residents living under historic zoning like it. Their real estate values go up. The attractive homes they have bought are protected. Second, merchants doing business in towns with historic zoning like it, because towns that preserve their historic charm are highly attractive to shoppers.

Historic zoning, properly framed and properly applied to selected historic areas by local citizens, does not obstruct progress. Quite the opposite. It preserves what is worth preserving from the past, and helps new growth to take place attractively and in harmony with local traditions and local character. It is an important and effective safeguard against urban blight.

So convinced are we in Glastonbury of the merits of historic zoning that both our local political parties have formally endorsed it. So has our Historical Society. So has our Town Council. The Glastonbury Chamber of Commerce has also formally endorsed the Heritage Committee's efforts to preserve the architectural heritage of our town.

In view of all this supporting opinion, I strongly urge favorable action on HB-2271. ✓

Rep. McGee: Mr. McNulty; have you given any consideration to Section 7 which requires a public hearing on an application for a certificate of appropriateness. Do you feel that this is necessary to have a public hearing for a person to remodel his own house?

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Mr. McNulty: I feel it is a reasonable clause in a zone which has particularly been set off for its peculiar historic interest. The broad statement, as you put it, as applied to zoning in general, I think, would not be appropriate.

Frances Carroll, Reading, a member of the Planning Commission, speaking for the commission in favor of HB-2271. I had three questions I would like to ask either the chairman or Rep. Orcutt. The first one was exactly the one you have just asked on the business of the public hearing - if the committee had considered omitting that from Section 7. We wondered if it would be possible if consideration had been given in Section 3 to setting down any qualifications for a historic district commission.

Rep. Orcutt: In response to this question, that had been considered and it was the opinion of those who drew the bill that this wasn't desirable for a number of reasons - one of which, it was a suggestion that an architect be included as one of those members of the commission. But there are towns in Connecticut where there does not reside an architect and this would preclude such a town from having a commission if this was a requirement.

Mrs. Carroll: Well, that's reasonable. The third one - a question in our minds was raised by the fact that we were prepared to present such a bill for Reading as has been suggested for Wethersfield, but would be more than content to use such enabling legislation as this bill would provide; however, we have gone through the study committee phase, would there be any relief, therefore, for our town where in our case the planning commission has gone through all those steps and has put it in a plan of development as an avowed intention of the commission - now, I just wonder if we would have to backtrack, as it were, if this did pass.

Rep. Orcutt: You would have to fulfill the provisions of the act and in regard to a matter of time - I haven't added up all the number of days - but it certainly could be accomplished I would say in a matter of months and that there would be no way to allow the work that has been done to formally be placed in lieu of the procedures set forth in this act. However, you have done the work so this would make this quicker.

Chairman McGee: One of the changes suggested by Mr. Orcutt was that the study committee would submit a copy of its report to the Connecticut Historical Commission who in turn would make an advisory report based upon that study being submitted to it. Are you in favor of that suggestion?

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Mrs. Carroll: Yes, I would be in favor of that.

Ella F. Wood, Hamden, a member of the Connecticut Historical Commission, and I'm here as its representative to voice the report already given that the Historical Commission has gone on record in support of HB-2271. Interested as the commission is in historic preservation for both patriotic and economic values, the Historical Commission believes HB-2271 is one more step in the direction in which Connecticut has so far allowed herself to be outdistanced in the direction of historic preservation and the drawing of tourists to our state.

Rep. Orcutt: I know when I met with your group previously, we discussed this matter of sending a copy of the historic districts study commission report to the Connecticut Historical Commission for a report. Is the Connecticut Historical Commission in agreement that this is desirable.

Ella Wood: I believe the commission is. As you probably know, we are asking for a budget which will give us the staff which will enable us to do some of this work.

Rep. Orcutt: Another concept is to carry this concept a little further and require that a historic district on a local level have the approval of the Connecticut Historical Commission, before it could be established. Would you know if the Connecticut Historical Commission would desire to undertake, not just reporting, but approving this type -

Ella Wood: I don't think I'm in a position to speak for the commission on that point. However, I have no reason to suspect that the commission would be adverse to it. I would think that they would expect that that was part of their responsibilities.

Rep. Orcutt: This is one of the big problems in this type of thing. I've heard of one town that wants to put the whole town in a historic district and this is running away with this concept a little bit too far. Therefore, we're desirous of establishing a break and it's my opinion that the Connecticut Historical Commission would staff, I mean, with staff could make a finding that this was a bona fide historic district and not anything else.

Chairman McGee: Mrs. Wood, has your commission ever conducted a survey of Connecticut so that you could tell us approximately how many areas in Connecticut are susceptible to being classified as historic districts?

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Mrs. Wood: I think we are agreed that there are four areas that we would recommend as historic districts - Litchfield, Wethersfield, Lebanon and Guilford. Now that is an affirmative statement rather than an exclusive statement.

Horace H. Brown, Senior Planner of the Connecticut Development Commission, and I am speaking on behalf of the commission in favor of HB-2271. The commission has voted to support this bill which permits the establishment of historic districts.

Section 32-3 of the general statutes states in part that the Development Commission shall encourage the preservation, expansion and development of such industry, business, commerce, agriculture and recreational and residential facilities within and without the state. In many parts of Connecticut, there are districts of historic interest deserving preservation and protection.

These areas are part of our heritage and are valuable in several ways. Such areas are highly important aspects of the high standard of livability for which Connecticut is famous. This high standard of livability is not only desirable from the standpoint of the residents of the state, but is also a distinct economic asset. Furthermore, these historic districts are an important part of the image of Connecticut which helps to attract vacation-travel business.

As a part of its efforts to encourage the orderly and economic development of the state, the Commission has for many years urged towns to adopt sound planning and zoning programs and has assisted in the preparation of such programs. While this remains basic to sound development, it is recognized that within the framework of current planning and zoning legislation, it is impossible to provide the type of guidance and protection desirable for our choice historic areas. This enabling legislation would provide a mechanism for proper protection of these areas.

It should be recognized that this is enabling legislation which communities can utilize if they so choose. It does not, however, force any community to take such action if not desired. The Commission also feels that the legislation is drawn in such a fashion as to make protection of such areas feasible and workable.

In closing, I wish to note that a number of other states have already enacted similar legislation. Can Connecticut do less? It is therefore sincerely hoped that the committee will look with favor upon this bill.

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Chairman McGee: Mr. Brown, do you favor a report of the study committee going to the Connecticut Historical Commission and if so, do you believe that the position of the Connecticut Historical Commission should be advisory or should require approval?

Mr. Brown: In regard to that, the development commission has not acted per say on that proposed amendment. Speaking as an individual only, I very much favor the referral to the Historic Commission, they being professionals so to speak in this area. I think, however, that I would favor an advisory report at this time. If experience indicates something else is needed, then that might be changed subsequently.

Donald Rae, West Hartford: I am heartily in favor of HB-2271 and also in favor of Mr. Later's bill, 3868. While I live in West Hartford, I'm interested particularly in the proposed historical site for Wethersfield.

Richard Williams, Chairman of the Glastonbury Town Council: I've really nothing else to add except to concur most heartily with what Dr. McNulty said in regard to this bill. As a member of the Council and in conference with our town attorney, he has assured me that we need such permissive legislation in order to enact for the town of Glastonbury historic sites such as we feel the town obviously wants.

Chairman McGee: Mr. Williams, do you have any opinion as to whether or not a public hearing should be held each time a person within the district wishes to make an alteration to his property.

Mr. Williams: I would feel that for a general zoning, no. If it is a historic site and has so been declared that should be provided for. I don't believe it would become a historic site without the permission of the present owner, certainly not in Glastonbury.

E. A. Richardson, Glastonbury: I didn't come here first to speak on this but I would like to at this point second Dr. McNulty's statements. Also to state an opinion on the public hearings situation, Section 7 which has come up. In our town, any variance in the zoning regulations which has to be heard by a zoning board of appeal is in effect a public hearing. They do let anybody come to speak pro or con on the hearing and it is advertised. In fact, I think you would have a public hearing on any other type of zoning variation. I think it might well be here on this one. Thank you.

Thomas M. Belden, Litchfield: I speak partly in favor of HB-2271.

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This bill is the legal approach to the preservation of buildings in areas of antiquary in value by establishing commissions of various kinds. Buildings and sites have long been set aside for one reason or another by either the Federal Government and various societies. Because of financial reasons, they have not been able to do all that should be done.

Almost every town in the state has landmarks of one kind or another that are worthy of preservation. It doesn't necessarily have to be an old school building. Some of the Victorian buildings should be saved because they'll never be rebuilt or build again. Perhaps, they shouldn't. There are some people who think only that a building is old - should be torn down and build a new one. Others don't care. If it suits their purpose, tear it down. There is a rumor in the section from where I come that the Civil Defense authority recently wanted to burn down the oldest house in Litchfield which was built in 1714. The house is unoccupied and was not in very good state of preservation. The owner was asked by these people if they could burn down the house for experience in fire fighting. They had already burned down two. Fortunately, the owner said no. Since then, the house has been reasonably restored.

Going around the state to some extent, there's the Governor Fitch house in Norwalk which is right in the way of the throughway. That was saved at the last minute. There is the Leckinwell Inn House in Norwich which was doomed to destruction only a year or so ago. That fortunately has been saved. The Hampton House in New London was one of the show places of that section of the state. That is gone. Perhaps the classic tragedy was the tearing down of the Wheeler House in Bridgeport. That was one of the houses that the American Institute of Architects thought was an outstanding example of gothic architecture. That has been torn down. There are other houses throughout the state that should be.

Now all this occurs because of the lack of supervision. So I believe this commission is a good thing and I would heartily endorse HB-2271 for the reasons that I have stated and I hope that the board will act favorably on that bill.

Fred Davis, Guilford, President of the Guilford Keeping Society and I would like to establish before the committee that Mr. Orcutt and this bill has not only the support of Glastonbury, Wethersfield but of Guilford itself. Representing around 300 members, we believe that the idea incorporated in this bill would be a good thing for Guildford.

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We would like to see the other towns of the state have the same privilege. Thank you.

Daniel McKean of Ridgefield, Chairman of the Planning Commission of the town of Ridgefield: We feel that this particular legislation would be beneficial to our town which was founded in 1708. We celebrated our 250th anniversary two years ago. At that time, a great deal of interest was aroused in our heritage. We have a great many old houses there, both in Ridgebury, the section we live in, and the main street of Ridgefield, which is one of the finest main streets in the state. But without this type of enabling legislation, I think we will find it difficult to preserve the character of our town. I think this is true of a great many towns in the state and also in Fairfield County.

The feeling in our town is expressed in a question there that was set out a year ago at this time and in the questionnaire were given ten topics which were to be put in order of preference as the need to improve the town. The request for an ordinance to protect historical buildings and sites was about fifth or sixth place out of a group of ten different projects, such as school needs. The other was the rural atmosphere. I think everyone today is aware of the need for retaining the rural atmosphere. As I spoke before on open space, I think also this question of preserving historic districts will help to preserve this heritage which we have in Connecticut.

I think this should not be eliminated from the bill - this provision to hold a hearing because I think then it's a matter of record and it's also, no question is raised if some building is suddenly being altered, they will know that the committee or the commission has ruled on this. Without notice of a public hearing, it may arouse suspicion in the neighbors as to what is going on in a certain house.

Chairman McGee: Mr. McKean, do you feel that the opinion of the Connecticut Historical Commission should be advisory or be mandatory?

Mr. McKean: I feel that that should be advisory because I think there are a great many more places in Connecticut that this historic commission is not aware of. I know that I found a great many things in the history of our town which I was able to prove existed for the satisfaction of our committee for the 250th anniversary that frankly, the Connecticut Historical Society were not aware of. I'm sure that there are a great many old houses that only local people know of their value.

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Rep. Frankel, Lebanon: When Mr. Orcutt first introduced this bill, I was quite interested in it because I felt that it applied particularly to the situation that we have in my own town of Lebanon. Incidentally, I'm registering very strong approval for this bill, HB-2271. I think that this could take care of a situation that we have in our town and probably in any, I mean, in several towns in the state. We in our town have an area, an immediate area, around our green which I feel could very well qualify under this historic district connotation. There are many people in this immediate area that have tried over several years to set up some type of restrictions for zoning and for ordinance. All efforts have been nullified by disinterested citizens of the town living outside of the area. We have attempted on three different occasions to bring zoning into the town as a method of accomplishing this and it has been voted down by a referendum. Although it's been expressed by opponents of zoning in our town, the expression has been that if people in the central area and the area surrounding the green wanted to have zoning, they could have it. Under our state enabling act, of course, we can't break the town up, so that legislation of this type setting up a specific area in the town and giving it the protection that the people in this area want may accomplish our need in our town. I feel it's good legislation and you could bring in a favorable report.

Lee Syracuse, Town Planner of Windsor: We are an old town; in fact, the oldest in Connecticut. We have over 100 homes which were built before 1800. We also have a green which is called Palisade of Green which is ideal for this type of zoning.

The Town Planning Zoning Commission did consider of writing up a special bill on this question and only withdrew it after Mr. Orcutt presented his bill which would give us general enabling act on this question. This being the case, I'd like to support it as fully and as firmly as I possibly can.

David Leventhall, represent the Connecticut Association of Home Builders: We are in favor of HB-2271 for the preservation of historic district. We hope that this bill will be used to preserve our historic districts and places and will not be used as a method of acreage control. We think that is its intent. We think probably judging by what has been said so far that is the way it will be used. We strongly support passage of the bill.

Albert Soloman, Planning Director in the town of Fairfield: For your information and understanding, I would like to offer you the experience we've had with the public

in bringing this sort of concept before the people of our town. In drawing up our plan of development which was just recently published and heard at public hearings, we designated three very old historic areas of our town as proposed historic districts. The reaction was entirely favorable and we have the unqualified support of all 200 members of our Fairfield Historic Society and attempting this type of control about in protecting the antiquities found in our town.

We, too, had considered a special act which again would have added to your burdens, but did not do so because we felt that enabling legislation would accomplish the purpose much better. Thank you.

Wilbur Ferricks: I don't represent any organization. I'm not a planner. I'm just representing John Q. Citizen, retired. I retired to Guildford because of the charm it already offered. I favor this bill.

Chairman McGee: Anyone else to speak in favor of the bill? Anyone opposed to the bill? If not, the hearing on HB-2271 is closed. The next bill to be heard is HB-3181. Anyone in favor of that bill?

HB-3181 (Wallace) ACQUISITION OF NEIGHBORHOOD PARKS.

E. F. Bassfort, Secretary of the Simsbury Town Planning Commission: Mr. Wallace in his opening remarks described the purpose of the bill. I would like to say how that will operate in our town. Simsbury has grown from 5,000 to 10,000 people in ten years - from 1950 to 1960. In 1950 there was plenty of open spaces in the town. There still is. But the way we're going now, we'll be another 20,000 people in another ten years. So the town feels it has to pick up more land for parks and other open uses. The fact that the town has grown so rapidly, is going to continue to grow so rapidly, has increased the need for public parks and at the same time has decreased the ability of the town to pay for them because every tax nickel that is raised has to go for public schools.

Now what this bill would enable us to do would be to in effect have developers set aside land or to pay the town money in lieu of setting aside land. This money could be accumulated in a fund to buy up sites where they would be most desirable. Just as an instance, the Federal Government is releasing a tract of about four acres which the town can pick up for half its market value which is just the site we would like to use for a ball field. But the town won't have the

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asking that you consider us in this point. I don't question the precedent.

Chairman McGee: Others in favor of HB-3860? Anyone opposed to HB-3860? If not, the hearing on HB-3860 is closed and we'll now open the hearing on HB-3868. Anyone in favor of this bill?

HB-3868 (Later) ESTABLISHING AN HISTORIC DISTRICT IN WETHERSFIELD.

Ella Wood, Hamden: I'm here representing the state's Historical Commission which unanimously endorsed at its last meeting HB-3868. Our points in favor of it are two. One of them is that establishing it as a district gives it considerable more permanence and dignity than just leaving the establishment to the local option under the enabling act. Secondly, that Wethersfield as a town is known as a historic place. It is not a small district. Wethersfield as an early New England town is of national interest and the historical commission, therefore, believes that it is fitting for the Legislature to set its seal of recommendation upon this town and preserve it for future Americans, not just for future residents of Wethersfield or even of Connecticut.

Albert Gray, Jr., Town Manager of Wethersfield: I'm authorized to speak on behalf of the town council of Wethersfield endorsing HB-3868. I believe the lady who spoke previously reiterated actually the reasons why Wethersfield would prefer a separate bill rather than coming under the general enabling act, such as HB-2271.

We feel that Wethersfield is of such historic nature to the whole state of Connecticut that the town would like to have the seal or the endorsement of the state of Connecticut in setting up this particular area within our community as a historic district. There are over 140 homes that were built prior to 1800 in Wethersfield. We have seen in town the indiscriminate remodeling and distortion of the colonial architecture of some of our old homes. This we deplore but we do not have the legislation that would permit us to stop this sort of thing. We would like to retain what we have and improve upon what is there and make sure that any renovations or any additions that are done in this particular district will retain the character of the old colonial times and of old Wethersfield. We would earnestly solicit your favorable endorsement on Substitute HB-3868.

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present time being restored which will be open to the public. There is a warehouse that was built in 1600 that is on the cove.

For these reasons, I think perhaps you'll find that Wethersfield has a little more than local importance as a historic district. It is an island. It could very well be made an island.

Chairman McGee: Other proponents? Is there anyone opposed to this bill?

Sidney Pinney, Jr., Wethersfield: I felt it appropriate to appear before you because I did assist in the draft of this bill and would be pleased to answer any questions which you may have concerning its technical aspects. I cannot add to the eloquence expressed by those supporting Mr. Orcutt's bill, HB-2271 and those preceding me in support of this bill in favor of the proposition that preservation is good business. It's not the result of fuddy-duddy or sentimental or emotional thinking.

The big question, of course, concerning substitute bill 3868 is, why does Wethersfield need this if the Orcutt bill were passed. A good question. I think that two comments should be made. One that apparently, the state historical commission deems it important enough to give this - give the town of Wethersfield among other towns, state recognition in a historic area. The other point I'd like to make and perhaps simply emphasize is that the district suggested here is one which has been the result of a careful study by the town planning agency of the town of Wethersfield so that in effect, we have passed the first step suggested by the Orcutt bill.

I would simply like to leave with you an article which appeared in the Wall St. Journal setting forth the very real economic value of preservation and other portions of the United States.

Chairman McGee: Anybody else either in favor or in opposition to this bill?

T. J. Murphy, Commission of Public Works: I'm not here to take any position on the bill except to ask if the state owned properties be excluded there from. I've taken this matter up with Rep. Later and he agrees with us on it and said he would acceptable to an amendment excluding state owned properties as long as there was a restriction in there that if it ever were so, they would come under the conditions of the bill.

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Of course, we don't feel that the state owned properties won't be effected by it anyway, but we just want to go on record in that respect.

Chairman McGee: Do you have any authority for the last proposition?

Mr. Murphy: Well, only from Attorney General opinion's over a period of years that we don't have to take out zone permits and that your state buildings do not come under local regulations. I also ask that these same remarks pertain to HB-2271 so that the state owned properties are excluded, but my only concern is with the Connecticut State Prison grounds. As you know, the state has already gone to an expense in having plans provided for a new Motor Vehicle building down there. It is in the present state building program. I do know that the Legislature has from time to time asked that more facilities be provided for the legislature in this building here and that we have tried to come up with a program that with the purchase of one other building, hoping to purchase another one downtown here that we will be able to move some of the mechanical features that are associated with executive offices in this building out of this building to provide more legislative rooms.

Our space problems will be pretty well taken care of. As you know, that state now pays approximately \$600,000 in rents in the city of Hartford and we hope that this building program will eliminate most of that figure.

Chairman McGee: Commissioner Murphy, if this act were to apply to state owned property to include the property at the prison site, would you find it more than just inconvenient to proceed with development of state owned property in Wethersfield?

Commissioner Murphy: It would be more costly, I'll say that because we do have state owned land and that we would have to go out and buy land. As you know, when the state goes out to buy land, they have to pay real prices for it in most cases.

Chairman McGee: As I understand, these historic districts use itself is not regulated. It's merely the exterior architecture - is it not possible for the state to erect buildings conforming to the architecture required by these acts.

Commissioner Murphy: I'm very glad you asked that question. I promised the residents of Wethersfield and I formerly lived in Wethersfield that if and when we designed