

Legislative History for Connecticut Act

HB 4025 PA 600 1963

House 4557-4582, 5489-5491 (34)

Senate 3253-3258 (6)

General Law 331-333, 367-396 (33)

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legal and proper loan in the State of Connecticut. This is
a good bill and should be passed.

EJW

MR. SPEAKER:

Question is on passage of the bill. Will you remark further?

THE GENTLEMAN FROM WINDSOR:

Mr. Speaker, I concur with the speaker from Hartland
and certainly urge the passage of this bill.

MR. SPEAKER:

Will you remark further? If not, all in favor say Aye.
Those opposed. The bill is passed.

THE CLERK:

Would you please return to calendar no. 1097, file no.
1362. Substitute for House Bill No. 4025. An Act concerning
the Jurisdiction of Historic Districts. Favorable report
of the Joint Committee on Cities and Boroughs.

THE LADY FROM TRUMBULL:

Mr. Speaker, I move acceptance of the joint committee's
favorable report and passage of the bill.

MR. SPEAKER:

Question is on acceptance and passage. Will you remark?

MR. SCOVILLE (GLASTONBURY):

Mr. Speaker, the Clerk has an amendment.

THE CLERK:

This is House Amendment Schedule "A" offered by Mr.
Scoville from the town of Glastonbury. The following is the
amendment.

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In sec. 1, sub-section C, line 12 and 13 strike out "and either approve, disapprove, modify, alter or reject" and insert in lieu thereof;"and may recommend either approval, disapprovable, modification, alternation or rejection".

EJN

In line 17 "sixty" and insert thereafter "ninety".

In sec. 1, sub-section B, line 3 "ninety" and insert thereafter "one hundred and twenty".

In line 3 and 4 "one hundred and twenty", and insert thereafter "one hundred and fifty".

In sec. 4, line 4 after may insert "not later than January 1, 1964".

In section 5, sub-section A, line 6 after "thereof" insert "and by publication in a newspaper having a general circulation in a municipality seven days before the election".

MR. SCOVILLE (GLASTONBURY):

Mr. Speaker, before I move for the adoption of the amendment, I would like to have the Clerk clarify the original reading of this item on our calendar. It is a joint favorable report of the General Law Committee and not the Committee on Cities and Boroughs.

MR. SPEAKER:

The calendar is in area. It should read a joint favorable report of the Committee on General Law.

MR. SCOVILLE (GLASTONBURY):

Mr. Speaker, I move adoption of House Amendment Schedule A.

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MR. SPEAKER:

EJN

Question is on adoption of the amendment. Will you remark?

MR. SCOVILLE (GLASTONBURY):

Mr. Speaker, the first part of the amendment, and these amendments are all basically technical amendments that were necessary to clarify little problems in the bill. The first amendment transfers, leaves in the legislative body in the local community the power in the final analysis of what the boundaries of the proposed historic district would be and rather than given the state historic commission the power to approve, disapprove, modify or reject they only have the power to recommend in this area. It is assumed even though they are more knowledgeable in this area that their recommendations in all probability would be accepted by the local legislative body but the local legislative would have the final determination. The changes relating to the number of days comes as a request of the State Historic Chairman and indicated they did not have sufficient time as it now stands at fifty days, the report that they are requested to make. So since we have given them ninety days we have there fore extended the number of days in the other areas following the procedural steps which the study committee must take. The change by this amendment in section 4 which provides not later than January 1, 1964 clarifys the question whether or not in an historic district there could be more than one petition for a vote of the property owners within

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the district. This clarifys the fact that only one vote will be taken if a petition is filed. With regards to the change in section 5. This is only adding notibe by publication in addition to the notice that is all ready provided for which is a written notice. Again I move adoption of House Amendment Schedule A.

EJN

MR. FENNELL (FAIRFIELD):

Mr. Speaker, I oppose the amendment as I intend to oppose the bill. But I will reserve my remarks until we get into the discussion of the bill.

MR. HARTNETT (WINDSOR):

I am in favor of this amendment. We in Windsor have one historical district that has been established. We have our own ordinances. It varies a little from the enacting clause that was passed in 1961. We feel that the original bill set up here would cause great hardship and the people in the district and the people in Windsor were very much concerned about it. We do feel that the amendment as proposed by the gentleman from Glastonbury will clear this up and will present a historical district that will be something we will be proud of and something I feel will help a great deal.

MR. TUDAN (WINDSOR):

Mr. Speaker, I would like to go on the record as being in favor of the bill and in favor of the amendment. We in

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Windsor have our district all ready. Never the less we do have people now that the district has been established that we have people simply pro or con. I sincerely like this feature about in view of the fact that the historical district has been established in Windsor that fifteen percent can petition for a referendum and it will require seventy-five percent of the people within the district to maintain a historical district. I am sincerely in favor of the amendment and the bill.

EJN

MRS. DIEFENDERFER (WETHERSFIELD):

Mr. Speaker, I rise in opposition to the amendment and to the bill. I will speak on the bill later when it comes up.

MR. BARNES (MONTVILLE):

Mr. Speaker, I think the gentleman from Glastonbury has brought in a very good amendment. He explained it to me previously and I will vote for it.

MR. LATER (WETHERSFIELD):

Mr. Speaker, I rise in opposition to the amendment. I shall rise in opposition to each and every subsequent amendment and I oppose the bill. I feel that we in Wethersfield having an existing district, it operates well under the existing law. I don't believe that this amendment will make any difference to us in Wethersfield. I don't want it to make any difference^{to} in Wethersfield. I therefore oppose ~~this amendment as I do the bill.~~

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MR. PAWLAK (SEYMOUR):

EJN

Mr. Speaker, I rise in support of the amendment and I think it will result with an improvement in the law. I will speak later on on the bill itself.

MR. MAYER (EAST GRANBY):

Mr. Speaker, as a member of the General Law Committee I would like to concur whole heartily with the amendment. Originally this bill as proposed and as modified by the committee completely emasculated the present act. At the public hearing definite needs for change in the historic district act adopted in the 1961 session was evident. There are many things in the bill that many people find objectionable. This amendment goes along way toward improving the act and makes it palatable to most of our citizens.

MRS. STEVENS (BETHLEHEM):

Mr. Speaker, I heartily approve of the amendment and I heartily approve of the bill. I know that we needed some readjustment done in the original historic act. It was fine, the intention was fine but there were a great many limitations in there that were not good. I would like some sort of a historical district in our town but I am sure that I would have never gone for the original. This will make it a good act, a good bill and I certainly approve the amendment.

MR. TUDAN (WINDSOR):

Mr. Speaker, talking about the original bill that was

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two year ago and about some of the people that were in the historical district that are unhappy, one little feature of the bill is that if these folks cared in the case of painting their home, they were told they couldn't do it but never the less they wanted to paint their house green they couldn't paint it green. These folks were fined up to \$100.00 a day or up to \$250.00 a day. This is one of the reasons why I am for this amendment and the bill.

EJN

MRS. O'CONNELL (SHARON):

Mr. Speaker, I rise to oppose the amendment. I will vote for the bill as is written. The amendment was not given to me. I was working on this bill as sub-committee of the General Law Committee. I felt that the bill that we have drawn was a good bill. I oppose the amendment.

MR. KING (TOLLAND):

Mr. Speaker, I rise in support of the amendment and of the bill. There is one feature of the bill which I think compensates for any other short coming it may have. I think the amendment highlights this - what I regard to be a very substantial correction in the original bill. I speak with some knowledge on this because we in our town have a committee in operation, but I know there are objections and I think that the objections are so great that we may not have a historic district at all. I think the bill as proposed is going to make it more palatable. Now the feature in the bill which I think is very necessary, is the feature that limits the voting

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on the acceptance of the historical district to the people in the area affected. Our town for example has a very small area which can be considered historical. Yet under the original bill, the bill in the present law, the entire town votes on the question of whether there shall be a historical district or not. In other words the entire town imposes the restriction and there are restrictions, there is no doubt about that upon the few, Under the present bill and the amendment highlights this and as makes it more palatable. The individuals in that area determine for themselves whether or not they shall have it and there is a referendum provided, a secret ballot so that they may vote without their neighbors knowing how they voted. I think this is a very important feature. I think insofar as our town is concerned this bill and the amendment may well make the difference between not having a historical district and having one. I support them both.

MR. FARMER (LITCHFIELD):

Mr. Speaker, in section 4, it states that twenty-five percent of the group in the historic area may vote to over throw there entire area. I would like to ask if they think twenty-five percent should rule the seventy-five percent?

MR. SPIEGEL (TRUMBULL):

Mr. Speaker, I rise to a point of order.

MR. SPEAKER:

Will the gentleman from Trumbull state his point of order?

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MR. SPIEGEL (TRUMBULL):

EJN

Mr. Speaker, I believe the gentleman is discussing the bill and not the amendment and I urge the House to adopt the amendment and then we can go a discussion on the bill.

MR. SPEAKER:

Well sir, the point of order would be a technical one. I don't think the gentleman was actually out of order. The question is however on the amendment.

MR. ORCUTT (GUILFORD):

Mr. Speaker, I rise in support of the amendment. I think it is a good amendment and I think it improves the bill and I urge all members of the House to support it.

MR. POWER (TERRINGTON):

Mr. Speaker, I have had several requests to oppose this bill in its original form. Since then I have been reassured from several of the gentlemen that the bill has been revised and modified so that no one would be unhappy with it. But after listening to the discussion I am not quite sure. I think as it stands now I would be opposed to the amendment.

MR. SPEAKER:

Will you remark further? If not, all in favor of the adoption of House Amendment Schedule A please say Aye. Those opposed. In the opinion of the Chair the Ayes have it and the amendment is adopted.

MRS. DIEHL (TRUMBULL):

Mr. Speaker, may I go on now and propose that the bill as

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amended be passed?

EJN

MR. SPEAKER:

Question is on passage of the bill as amended. Will you remark?

MRS. DIEL (TRUMBULL):

Mr. Speaker, sec. 7-147B of the 1961 supplement to the general statutes is repealed and the following is substituted. Prior to the establishment of a historic district or districts the following steps shall be taken. A. the legislative body shall appoint an historic district study committee for the purpose of making and investigating of a proposed historic district. Each historic district study committee shall consist of five members who shall be electors of the municipality holding no salary municipal office. The historic district study committee shall investigate and report on the historic buildings, structures, features, places or surroundings to be included in a proposed historic district and designate the area to be included therein. In C it says that the historic district committee shall transmit copies of this report to the Connecticut Historical Commission, the Planning and Zoning Commission of the municipality and in the absence of such Planning and Zoning Commission to the selectman or to the warden or to the chief executive offices of the municipality for their consideration and recommendations. Each such body or individual shall give his recommendation to the historic study committee within ninety days. from the date

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of receipt of such report. The following is added in. In addition to such other recommendations as it may make the Connecticut Historical Commission may make comments upon and either approve, disapprove, modify or alter or reject and may recommend either approval, disapproval, modification or alteration or rejection. The boundaries in these proposed recommendations shall be read in full and the public hearing to be held by the historic district study committee here as specified. Failure to make recommendations within ninety days as the date of such receipt shall be taken as approval of the report of the historic district study committee. The historic study committee shall hold public hearings not less than a hundred and twenty days and not more than a hundred and fifty days after the transmission of its report as provided in sub-section C of this section. Original notice postage prepaid shall be given to the owners of record of all real property to be included in the proposed district, as they appeared on the last completed grand list and the addresses shown thereon at least twenty days before the time set for such hearing together with the copy of the report of the historic district study committee or a fair summary of such report. A copy of all recommendations made under sub-section C of this section, a map showing the boundaries of the area included in this area and a copy of the proposed ordinance. In Section F, the historic study group shall submit a final report of the legislative body of the municipality within

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sixty days after the public hearing. The report shall contain the following: A complete description of the area to be included in the proposed district or districts including the total number of buildings therein according listed according to there known or estimated ages. Maps showing the exact boundaries of the area to be included in the proposed historic district or districts. A proposed ordinance designed to implement the provisions in section 7-147A to 7-147K inclusive and a copy of the report of recommendations to the historic commission. Such other matters as the committee may deem necessary and advisable. G, the legislative body as reviewing the report of the historic district study committee shall cause ballots to be taken of the owners of record of all real property to be included in the proposed district on the question of the adoption of a dhistoric district ordinance and if 75% of all owners vote in the affirmative by such ballot shall take one of the following steps; reject the report of the committee; except the report of the committee; return the report to the historic district study committee with such amendments as they may deem advisable, consideration by the committee and further report to the legislative body within ninety days of such return. Section 7-147D of the 1961 supplement to the general assembly is that the general statutes is repealed and the following is substituted thereof: No building or structure shall be erected, ~~destroyed or removed, altered, or demolished~~

EJN

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until
within an historic district/after an application for the
certificate of appropriate as to the architectural features
as been submitted to the commission and approved by said
commission.

EJN

MR. NOYES (FARMINGTON):

Mr. Speaker, I rise for a point of order sir.

MR. SPEAKER:

Will you state your point of order sir?

MR. NOYES (FARMINGTON):

With deference to the lady from Trumbull, I suggest that
the bill is in our file and we suspense from the reading of
the entire bill if the lady from Trumbull would agree to this.

MRS. DIEL (TRUMBULL):

Mr. Speaker, I will be glad to agree with Mr. Noyes my
only - one think I wanted to say is that I know a lot of
people in the House had received from different historical
society a substitute bill that was put in. This is no bearing
on that substitute bill and if you were thinking of that one
just forget it. This is a substitute to the original bill.

MR. NOYES (FARMINGTON):

Mr. Speaker, the Clerk has an amendment.

THE CLERK:

This is House Amendment Schedule "B" offered by Mr. Noyes
of the town of Farmington. The amendment is as follows:

In section 1, page 2, line 5 strike out "seventy-five" and
insert "sixty-five".

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MR. NOYES (FARMINGTON):

EJN

Mr. Speaker, I move adoption of the amendment. This is the last line 5 on the page the next to the last line on page 2 of the bill.

MR. SPEAKER:

The question is on the adoption of House Amendment Schedule "B". Will you remark?

MR. NOYES (FARMINGTON):

Mr. Speaker, this is an extremely simple amendment. It attempts only to substitute for the word seventy-five the word sixty-five with respect to the majority that must be obtained by ballot of those land owners who live within the boundaries of the historic district. In my judgement in supporting historic districts and the idea behind the original legislation and the necessity for them in a number of towns including my known, I feel that the seventy-five percent is set so high to make the bill actually inoperative. Among other reasons because the multiple owners in many instances and a multiple owner voting against the situation is given to be an unnatural power in this situation if the required affirmative percentage is as high as seventy-five. Finally any person who chooses not to vote or is out of town with the percentage as high as seventy-five is in effect voting against the historic district. I think sixty-five is an equitable proposition purely in trying balance the intrusion of the rights of the individual against the wishes of the

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total number of people in the district. I hope the amendment passes. LJM

MR. SPIEGEL (TRUMBULL):

Mr. Speaker, I oppose the amendment. I call attention to this House that the bill before you as a result of much effort and compromise. We considered making it an one hundred percent participation. We considered making it with anyone who wish not to be included could automatically exclude themselves. We came up this compromise which we feel is warranted because the number of people who stand to lose substantial property rights could be substantial and for this reason should require the majority. There is no evidence of the person who is absent would have voted for and against. I think the figure of seventy-five percent is fair so I ask that you oppose the amendment.

MR. FARMER (LITCHFIELD):

Mr. Speaker, Litchfield has a historical area which we are very proud of and we hope it will continue to be a historical area. The amendment offered by Mr. Noyes will greatly improve this bill. I would like to ask Mr. Noyes if section 4 on page 4 would also have to be changed to sixty-five?

MR. NOYES (FARMINGTON):

Mr. Speaker, the gentlemans point is well taken. The amendment should correct the percentage in both cases for an existing as well as a proposed district and I would be

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prepared to move to amend the amendment to that effect. E J N

The amendment was further discussed by Messrs. Fennell of Fairfield, Scoville of Glastonbury, Mrs. Collins of Farmington, Mr. Fuller of Suffield, Mrs. Diel of Trubmull, Mr. Hogan Burlington, Mrs. Diefenderfer of Wethersfield, Mrs. Green of Southbury, Mr. Hartness of Windsor, Mr. Laird of Sharon, Mrs. O'Connell of Sharon, Mr. Pawlak of Seymour, Mr. Cole of Fairfield and Mr. Crouch of Stonington, who moved that when the vote be taken it be taken by roll call vote. On a voice vote, no roll call was ordered.

THE GENTLEMAN FROM SHARON:

Mr. Speaker, I live in the old town of Sharon and I hope some day there will be a historic district in our town. I am sure that they should have at least seventy-five percent of those living in the district have the say of a historical district. I therefore oppose this amendment.

MR. MITCHELL (SOUTHBURY):

The lady from Southbury - would be well if we had a chance to study this. Is there any possibility of having this postponed until Monday?

MR. SPEAKER:

The question is on the gentlemans motion to postpone the bill until Monday. Will you remark on the motion?

MR. SCOVILLE (GLASTONBURY):

Mr. Speaker, speaking in opposition to the motion. This bill has been in our files for several days and well debated

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and there will be more debating if we can get rid of these amendments and get down to the bill itself.

EJN

MR. SPIEGEL (TRUMBULL):

Mr. Speaker, I oppose the motion to postpone. We can continue and finish up in a few minutes.

MR. SPEAKER:

Question is on the motion of the gentleman from Southbury to postpone the action on this bill until Monday. Will all in favor of the motion say Aye. Those opposed Nay. The motion is lost. The question is still on House Amendment "B". Will you remark further?

THE GENTLEMAN FROM COLEBROOK:

Mr. Speaker, I rise to support this amendment. We have just recently in the past two months created an historical district in our town but we did not have any debate as to the percentage. I think the lady from Farmington brought a very good point out here this afternoon. In one sense this has a great deal to do with Home Rule. I would not be objected to the seventy-five percent. I think it would be a pretty good protection against any future towns that want to creat such a historical district.

MR. JONES (GUILFORD):

Mr. Speaker, I am one of the pepple on the General Laws Committee that worked on this bill. I strongly oppose this amendment. I think the bill as it was amended by amendment Schedule "A" is a good bill. I hope Amendment B is defeated.

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MRS. THORNTON (GLASTONBURY):

EJN

I rise to oppose amendment B. To think we can legislate away someones property rights. We are trying to compromise on seventy-five percent, this means that twenty-five percent of the people cannot have their property rights. I think that is far as we dare go.

MR. SPEAKER:

Will you remark further? If not, those in favor of the adoption of House Amendment Schedule B all say Aye. Those opposed. In the opinion of the Chair the Nays have it and the amendment is defeated. The question now is on the passage of the bill as amended by House Amendment A. Will you remark?

MRS. DIEFENDERFER (WETHERSFIELD):

I rise in opposition to this bill. I sincerely hope that everyone realizes the absurdity of passing this piece of legislation. In 1961 many of you people now in the House helped to pass the law enabling the perservation of historic houses in towns throughout the state. Many towns set up historic district study commissions almost immediately upon enactment of this legislation. In my own town of Wethersfield this study commission studied every facet involved in the establishment of any historice district proceeding slowly with an awareness of the rights of the people involved. When the historic district commission was formed, two members of the original committee were appointed

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to the commission. They studied throughly the plans involved by three other states, Delaware, Rhode Island and Virginia in connection with their respective districts. It was reported that these districts were beneficial to the community. In Providence this plan is similar to Conn. The historic district was established under a joint program with the Federal government and the state and set up for other states to follow. I know there are those who feel the limitation set on property in a district is unconstitutional, but not one of almost sixty historic districts throughout the United States have been declared unconstitutional. I realize the rights of perserving the rights of the individual but to perserve our historical heritage is also important. There is also an economic factor, many visit the New England states because of this heritage. It would seem grossly unfair to deny the 1961 law before giving it fair trial.

MR. FENNELL (FAIRFIELD):

Mr. Speaker, I would like to comment. This doesn't actually relate to the bill but it is a problem that has come up. If the ladies and gentlemen would look at the original bill, it was merely an act to appeal existing historic district legislation. We have here before us today a substitute. I am certain that many people in the towns never had an opportunity as was mentioned a minute ago to discuss this substitute. This substitute is quite a

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EJN

child of the original bill. As to the bill itself, substitute for House Bill 4025, if you will notice section 2, on page 3 we are now going to limit historic districts to protect only the portions of the buildings you can see from the street. In other words you can make a modern house in the rear as long as you keep the front. I don't think that is the intention or desire of the people who want historic districts. For the information of the people here, I would like to point out that there is some confusion in the way this was printed. Perhaps that is correct but it was necessary to consult the original statutes passed in 1961, in section 4-5 and 6 are entirely new. They do not appear in the 1961 statute. May I say also that the entire intent of this substitute bill is to take care of the problem of one particular community. I realize that they have a problem in that community but I also have to speak for my own community of Fairfield. We have formed a historic district commission. They have made a report and filed an ordinance at the town meeting and actually it was heard last Monday, but it is standing over to see what happens in Hartford. My community established this district, was in the processing this district. If this substitute bill is passed it will in effect go back and change the law that we passed in 1961. It will open a loop hole and as such we will have the problem of decision as to the owners in their respective

locality. Several people have mentioned home rule. This particular historic district law Mr. Speaker, gives full faith and credit to the idea of Home Rule. Section 7-147A which we passed 1961 states any municipality by vote of its legislative body establish such a district. In other words, the state legislature has given Home Rule to the local community. It is permissive. The local community if it so desires could establish one of these districts and the legislative body, paragraph G of section 7-147B has three options. To reject the report of the committee, to except the report of the historic committee or to send it back for further report. Now this is what Home Rule means. This here should not come back two years later and say in a particular community, if you don't like it we are now setting up a different system to exit from the historic district. The local legislature of my town excepted this statute. It is presently working on it. The representative town meaning which is the legislative body has adopted this law and I think we should allow it to remain in the hands of the local body. I question the advisability of this legislature or any legislature. Coming along two years later in 1963 and substituting new laws or making provisions so that districts which have almost been completed, which are quite satisfactory in the community, in which not seventy-five percent of the people in the district but probably ninety-five or ninety-six

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percent of the people are happy to accept and creating an outlet that we now take the jurisdiction away from the legislative body, we take back our home rule power and now we suggest that have a ballot. This entire substitute is a bad bill. I hope that we vote it down. We have a law that we passed in 1961. It was very detailed - very thought out. It is favored by many of the communities of the State and if my town wants to accept responsibility by its legislative branch to set up a historical district that is the special privilege of my own town under this bill. We should not change this law. Thank you.

EJN

MRS. COLLINGS (FARMINGTON):

Mr. Speaker, I would like to thank the gentleman from Fairfield. He expressed by sentiments entirely. I am sure that the town of Farmington can solve there problems through there legislative body. We have just had a study, the legislative body has asked them to continue that study and eventually they will take care of the problem and they have indicated that we do not need a change in the statutes of Connecticut to take care of these local affairs.

MRS. ROCK (WILTON):

Mr. Speaker, I rise to oppose the amendment and the bill. I agree one hundred percent with the gentleman from Fairfield. Wilton has been studing the bill put through in 1961, they approve of it, they are working on it, they have already started their historic district. This changing of the bill

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substituting, substituting again at the last minute. I haven't EJM
had time even to take the bill back to my constituents but
I think it would be unfair to pass it today.

MR. HARTNETT (WINDSOR):

Mr. Speaker, I rise in favor of this bill. Speaking of
the oldest town in Connecticut and one that has established
a historic district under the old law I might say that we ran
into many many difficulties and as a result our town council,
the legislative body set up there own ordinance which did
not exactly meet with the enactment that we put through in
1961. The passage of this bill with the amendment will
answer many of the criticism that were raised at that time
and I believe that I speak for the people of Windsor in
saying this particular bill as amended will bring to them
the type of historical district and the type of representation
and they type of persons who participate in that area and
I recommend its passage.

MR. THORP (COVENTRY):

Mr. Speaker, the hours is getting late. I wish to concur
with all of the remarks made by the gentleman from Fairfield.

MR. TUDAN (WINDSOR):

Mr. Speaker, I would just like to say that the bill before
us now is a fair bill.

MRS. BOATWRIGHT (STONINGTON):

Mr. Speaker, like the gentleman from Windsor, I also
speak for my people and we are very much opposed - - - - -

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The bill was further discussed by Mr. Fagan of Marlborough, Mr. Later of Wethersfield, Mrs. Vestal of Woodbridge who moved that when the vote be taken it be taken by roll call vote.

EJN

On a voice vote a roll call vote was ordered.

The bill was further discussed.

MR. COLE FAIRFIELD:

Mr. Speaker, I will oppose this bill. We in Fairfield have begun deeply involved. Only four people at the public hearing objected. The study committee has given out a report which has been termed one of the finest reports in our town. I hope the bill is defeated.

MR. SCOVILLE (GLASTONBURY):

Mr. Speaker, this bill very simply does two things. It provides for a secret written ballot and this will help the legislative body of every town to determine what the true sentiments are of the people that reside and own property in this district. This feature alone makes this bill very desirable. Secondly, under the existing law the local commission has the power to prevent you from the painting your house the color you want. Putting up a for sale sign in your front yard. Putting pavement in your driveway. These are ridiculous features and will be removed if this bill is passed. This bill is really a bill favored to property owners and gives him a change to use and own his property for which he has paid. I urge the passage of the bill as

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amended by House Amendment A.

EJN

MR. SPEAKER:

There will be a roll call vote in the Hall of the House immediately.

MR. BARNES (MONTVILLE):

Mr. Speaker, it is very refreshing to see the gentleman from Burlington back in his own corner again. I was wondering what he has been doing in this session. As a member of the general law committee I can say that the bill was carefully studied and I believe it is a good bill and I am going to support the committee in voting for it.

MR. ORSUTT (GUILFORD):

Mr. Speaker, I rise to support the committee's favorable report as amended by House Amendment Schedule A. I think it is a good bill and a good amendment. It improves the existing legislation. I hope that the bill is passed.

MR. SPEAKER:

Will all of the members take their proper seats. Will your remark further? If not, the question is on the passage of substitute for House Bill 4025 as amended by House Amendment Schedule A. The Chair will unlock the machine. All those voted who wish to do so. The Chair will lock the machine and the Clerk will take the tally. The Clerk will announce the result of the vote.

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THE CLERK:

EJH

Total number voting		210
Necessary for passage		210
Those voting Yea	153	
Those voting Nay	65	
Those absent and not voting	76	

MR. SPEAKER:

The bill is passed as amended.

THE CLERK:

Page 6 of the calendar. Calendar no. 1022, file no. 1272.
Substitute for House Bill No. 2469. An Act changing the
 Base for Bonded Indebtedness of Municipalities and Regional
 School Districts. Favorable report of the Joint Committee
 on Finance.

Mr. Carter of North Branford moved for adoption of House
 Amendment Schedule "A". On a Voice vote House Amendment
 Schedule "A" was adopted.

The following is House Amendment Schedule "A".

In Section 1, line 35, strike the word "four" and insert
 in lieu thereof the word "two". On line 36, strike the work
 "half" and insert in lieu thereof the word "quarter".

Mr. Carter moved for acceptance of the committee's favor-
 able report and passage of the bill as amended by House
 Amendment Schedule "A".

MR. BILLINGS (KILLINGLY:

Mr. Speaker, I wish to concur with the previous speaker.
 This is a good bill and I urge its passage.

H 73

CONNECTICUT
GENERAL ASSEMBLY
—
HOUSE

PROCEEDINGS
1963

VOL. 10, PART 14
JUNE 5
SPEC. SESSION
JUNE 26
5362 - 5598

328.2s
C76pr
h

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a good bill and it's very much needed by several towns and I urge its adoption. DMS

THE SPEAKER:

Will you remark further?

MR. MILLARD (COVENTRY)

This is a good bill. It's a bill we've long needed to help our reputation facilities and especially amongst the small towns. I hope it passes.

THE SPEAKER:

Will you remark further? If not the question then is on acceptance of the Committee's favorable report and passage of the bill as amended by House Amendment Schedule "A", Senate amendment Schedule "A", in concurrence with the Senate. All those in favor please signify by saying aye. Opposed? In the opinion of the Chair the aye's have it. The bill is passed.

THE CLERK:

This is a disagreeing action received from the Senate. Favorable substitute report of the Joint Standing Committee on General Law. House Bill No. 4025. An Act concerning the Jurisdiction of the Historic Districts.

MR. SPIEGEL (TRUMBULL)

Is the motion for suspension necessary?

THE SPEAKER:

Yes.

THE CLERK:

This bill is not in your calendars. It's File #1362. The bill was passed June 1, 1963 in the House with House amendment Schedule "A", and it was passed in the Senate on June 5, with Senate Amendment Schedule "A".

MR. SPIEGEL (TRUMBULL)

I move consideration of this bill, that is reconsideration.

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THE SPEAKER:

The question is on reconsideration of the bill. All those in favor please signify by saying aye. Opposed? The bill is to be reconsidered.

MR. SPIEGEL (TRUMBULL)

I move for the adoption of Senate Amendment Schedule "A".

THE SPEAKER:

The question is on the adoption of Senate Amendment Schedule A. Will you remark?

MR. SPIEGEL (TRUMBULL)

Will the clerk read the amendment.

THE CLERK:

This is Senate Amendment Schedule "A" offered by Senator Alphano of the Seventh District. Substitute for House Bill No. 4025. File #1362. The amendment is as follows: In section (1) subsection (g) line 6, after the word, "owners", insert "voting thereon". (2) In section (4) line eleven before the word "consent", insert the word "voting thereon".

MR. SPIEGEL (TRUMBULL)

I move adoption of Senate amendment Schedule "A". I believe it's self-explanatory. You will recall a lengthy debate Saturday, at which time we took up this matter and all this amendment does is restrict the voting requirement of 75% to those present and voting. It's a good amendment and it should pass.

THE SPEAKER:

Will you remark further in Senate Amendment Schedule "A".

MR. JONES, JR. (GUILFORD)

I rise to support this amendment and urge its adoption.

THE SPEAKER:

Will you remark further?

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DMS

MR. HARTNETT (WINDSOR)

I also rise to recommend the passage of this amendment. I think it's going to be even better than the original bill as it was passed here the other day.

MR. MAYER (EAST GRANBY)

I rise to support the amendment. It solves a number of problems that were existing in the original bill. I move its adoption.

THE SPEAKER:

Will you remark further?

MR. LEECH (SALISBURY)

I voted against the bill last time. I think this amendment really puts some good in it. I shall certainly vote for the bill this time.

THE SPEAKER:

Will you remark further on Senate Amendment Schedule "A". If not all those in favor of adoption of Senate Amendment Schedule "A", please signify by saying aye. Opposed? The amendment is adopted. The question now is on the acceptance of the Joint Committee's report and the passage of the bill as amended. Will you remark?

MR. SPIEGEL (TRUMBULL)

As amended by Senate Amendment Schedule "A" and also House Amendment Schedule "A". It's a good bill and it should pass.

THE SPEAKER:

The question now is on adoption of the bill as amended and passage. All those in favor please signify by saying aye. Opposed? The bill is passed.

THE CLERK:

Favorable report Joint Committee on Appropriations on Senate Bill No. 1015. The bill is now on your file, File #739. An Act Concerning Retirement Allowances of Teachers Retired Subsequent to October 1, 1943. The bill was just

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SENATE

PROCEEDINGS

1963

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JUNE 4 - JUNE 5

3078 - 3444

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SENATOR PICKETT:

Mr. President, I'm not going to introduce anybody. I rise on a point of order. Just for the record, I'm informed that the bill which we passed concerning the implied consent is not quite the same as the one on our desks. I realize this does not have any effect on the legality, but just for the record, I do know that the Clerk has in his possession an amended bill. Section 2 does have a slight change. I say this only for the record.

SENATOR GLADSTONE:

Mr. President, may we now turn to page 11 of the calendar and take 1452?

THE CLERK:

Calendar 1452, file 1362, substitute for HB 4025, An Act concerning the Jurisdiction of Historic Districts. (As amended by House Amendment Schedule "A") Favorable report of the Joint Committee on General Law.

SENATOR ALFANO:

Mr. President, the Clerk has an amendment.

THE CLERK:

Senate Amendment Schedule "A": In section 1, subsection (g) line 6, after the word, owner, inserting voting thereon. In section 4, line 11, before the word, consent, insert the words, voting thereon.

SENATOR ALFANO:

Mr. President, I move for the adoption of the amendment.

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The House amended bill has come up providing that before a historical district may be adopted, seventy-five per cent of the registered owners of property in the district must by ballot approve. We have changed it by this amendment providing that seventy-five per cent of the persons voting thereon must approve it. It would almost be an impossibility to ever get seventy-five per cent of the recorded owners and therefore we feel this is a much fairer bill. It will be something that will be more workable than the bill as it came up from the House. I move for its adoption.

SENATOR MARIANI:

Mr. President, I support the amendment. This is one which has been worked out with the members of the House and I am sure they are ready to pass the bill as amended by the Senate.

SENATOR RELIHAN:

I am also pleased to support this amendment. I feel this is a workable amendment. I feel it would be impossible to ever get seventy-five per cent of all of the owners to participate. The way the bill was originally written, a historic district could be defeated simply by staying at home or refusing to participate.

SENATOR DOOCY:

Mr. President, I recognize the hour, I recognize the force of numbers, I recognize that this is the compromise we have reached in this problem. Again I say to you that if seventy-five per cent of the people in the district was necessary, then ~~again seventy-five per cent of those is also a very difficult~~

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number to achieve to have passage in this area. Mr. President, I'm going to support the amendment, I'm going to support the bill as it is. We have reached that point where we no longer have time to go over this and try to straighten out a problem which, in my estimation, will have this legislation back before you because I say that during the intervening two years, you will have hysterical districts and not historical ones, Mr. President.

SENATOR GLADSTONE:

Mr. President, just briefly, I rise to support the amendment and the bill as amended.

SENATOR MCGUIRE:

I think it's important that we go home with a good, workable law regarding historical districts, and I think that this amendment makes it such and I want to go on record supporting it, because it's necessary that we have a workable law.

SENATOR POPE:

Mr. President, I rise to support the amendment and the bill. The important thing here is that we come out of this session with a workable bill. The seventy-five per cent proposed here is, I believe workable. If it turns out not to be so, as the Senator from the 4th suggests, we may change it later. But if we don't agree on some kind of a bill, the whole system of historical districts will fall and for my town, among others, this would be a very serious thing.

THE CHAIR:

Further remarks? All in favor, say AYE. Opposed?

The bill is passed.

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SENATOR ALFANO:

I now move for passage of this bill as amended. To give the members of the circle a little bit of background on the act as amended, this is originally section 7-147 b of the General Statutes which was adopted in the '61 session which provided for the creation of historic districts. Now the changes that have been made in this act are as follows: deleted from the act is the language whereby the historic commission would have control over the stone walls, fences, signs, light fixtures, steps, pavings or other appurtenant fixtures. Now the commission will have control solely over the exterior architectural features of the structure. Also specifically exempted from this act, a considerable number of people were concerned about the fact that they might be told how to paint their houses and this would control the color of their house. So in order to eliminate any doubt at all, it provides that the provisions of this section shall not be construed to extend to the color of paint used on any building or structure. I think that has been made very clear. In the original bill as adopted in '61 after a study committee had reported to the members of a district, no vote was taken by the members of the district. It was then submitted to the town meeting or the council, the legislative body. Under this bill now it requires a vote of the registered property owners in the district; it requires 75% of those registered property owners in the district voting thereon to vote for the establishment of the district. Then thereafter it goes to the legislative body

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of the town to adopt. There have been considerable amount of problems with this bill over the past several months. I know there have been some bad feelings that have developed over this bill. From the indication that took place when the vote was taken in the House, there was some feeling that it should be amended. It was about 155 to 62 in the House. The end result here is a compromise bill. Mr. Whitney Brooks who is Chairman of the Connecticut Historical Commission participated in this compromise and he completely supports this bill and recommends the passage of it. He feels it is a good workable bill and if there are any difficulties in the next two years, we can certainly find out and we can make our changes at that time. So I certainly move for passage of this bill now as amended.

SENATOR BLISS:

This is an area, Mr. President, of great interest throughout the state. It is also an area of great emotion and great misunderstanding. I would hope--it's also an area where towns have spent untold hours and considerable amounts of money to bring about the establishment of historic districts, and I would hope that whatever action we take here today, which I assume will be favorable, may be brought to the attention of the state historical commission and Mr. Whitney Brooks to the end that they will acquaint local historical societies with what is done here because the confusion that exists in the understanding of this historical district act is unbelievable. I think we've all been subjected to all kinds of mail on the subject which indicates

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that there is not very wide understanding of what we are discussing here. I hope we support the bill and it passes and in the interests of good communications and voter understanding, it may be carried to the local level.

THE CHAIR:

Further remarks? The Senator from the 13th.

SENATOR MILLER:

Through you, Mr. President, I would like to ask a question. Does this require a minimum amount of voters, for instance, if four people vote, would it be 75% even though there were 100 property owners?

SENATOR ALFANO:

That's correct, it would be 75% of the people voting thereon. So if 100 people vote, it requires 75 votes.

SENATOR MILLER:

If four people vote, and three vote in favor, it would carry.

THE CHAIR:

Further remarks. All in favor, say AYE. Opposed? Passed.

SENATOR ALFANO:

Mr. President, I would like to move for suspension of the rules for immediate transmittal of this bill to the House.

THE CHAIR:

Unless there is objection, the rules are suspended for immediate transmittal to the House.

SENATOR GLADSTONE:

Mr. President, may we turn to page 9 of the calendar,

JOINT
STANDING
COMMITTEE
HEARINGS

GENERAL LAW

PART 2

331 - 691

CONN.
GENERAL
ASSEMBLY
1963

GENERAL LAW

WEDNESDAY - 10 a.m.

FEBRUARY 27, 1963

Senator Charles Alfano, presiding

Members present: Senators: Alfano, McGuire
Representatives: Mayer, O'Connell,
Gagliardone, Jones, R. Jones, Thorp,
McNamara, Duda, Hitchcock, Tibbitts,
Diel, Gregory, Barnes, Later, Cole,
Spiegel

Chairman Alfano: I will open this hearing now of the General Law Committee. I am Senator Alfano. Representative Spiegel, House Chairman is to my left, and then this is the Committee seated up here to my right.

The procedure will be that we will call the bills in the order that they are listed in the bulletin. All persons testifying in favor of the bills will testify first, and the opponents after on each bill. The persons speaking on the bill will step forward and speak into the microphone so that your testimony may be recorded. We do have a registration sheet at the desk where the secretary is, and anyone who wishes to register in favor or against any bill may do so. In speaking, we would appreciate it so that you would speak loud enough so that the members of the Committee here may be able to hear you.

We will open the hearing on the first bill assigned this morning.

Rep. Fennell, Fairfield: Mr. Chairman, are you going to allow the representatives to speak first?

Chairman Alfano: Before we proceed with the hearing, the legislators who have other committee hearings to get to may be able to speak first on any of the bills.

Rep. Fennell, Fairfield: Unless some of the Senators want to speak first, I would like to speak on the last bill, H.B. 4205. 4025

GENERAL LAW

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I am speaking in opposition to H.B. 4025 - Repealing the Historic Districts Enabling Act.

I merely want to say that the Town of Fairfield has been operating under this act. We have a Historic District Committee set-up. We believe the act is very helpful. I think most of the people in Fairfield are very satisfied with the way the act is working. Mr. Sullivan, and other members in Fairfield, - Mr. Sullivan is the First Selectman - and other people, the voters, are all happy with this act. I strongly oppose any action on the part of this Committee to wipe out this enabling act. Thank you.

Chairman Alfano: Are there any other legislators?

Senator Ives, 32nd District: I wish to go on record as opposing H.B. 4025. To be very brief, Mr. Chairman, of course the nearest district to me is the Town of Litchfield, where it is apparently working very well. This is only a permissive type of statute, rather, bill on our statutes. The towns do not have to go into it. There are adequate safeguards in the present statutes, and I hope your committee will make no change in the present statute on this.

Rep. Marshall, Wilton: Mr. Chairman, and members of the Committee, I am Representative Marshall of Wilton. We have some ladies here from Wilton who represent the Historical Ass'n. of our town. I would like to go on record as supporting the comments of Rep. Fennell in opposition to H.B. 4025, and I trust that your Committee will bring in an unfavorable report.

Rep. Liebman, Lebanon: Mr. Chairman, I am Harold Liebman, representative from Lebanon. I would like to go on record in opposition to H.B. 4025. At the present time we have a study group in the town of Lebanon considering setting up an historic district, and to them a repeal of this bill would constitute a loss. It is my

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understanding that the law is an enabling law and no town is forced to go into it unless they so choose.

Chairman Alfano: Any other legislators?

Rep. Eloise Green, Southbury: I would like to register in opposition to this Historic Districts Bill, H.B. 4025. I think in a lot of towns that is all they have - they don't have zoning, and this is the only protection they have - so I would just like to register my disapproval of the bill. Thank you.

Senator Florence Finney, 36th District: Mr. Chairman, and members of the Committee, I am Florence Finney from the 36th District, and I would like to register my opposition to H.B. 919. We have had zoning in the town of Greenwich for the last thirty years. We have various zones that run from 50' lots to 4 acre zoning. We have a back country that is full of rock in which the bringing of sewage facilities to this part of the town would be impractical. It seems to me that this is something that could be well left to the towns themselves to decide depending on their topography and other considerations as to how they would be, and I hope that this Committee will not give this bill a favorable report.

Chairman Alfano: Any other legislators?

Rep. Mitchell, Southbury: I would like to speak in opposition to H.B. 4025. I feel that the original legislation was good legislation. It was enabling legislation that allowed a town or a portion of a town to form a historical district, and thereby preserve the natural beauty of their town or part of their town, and I wish to speak in opposition to the repeal of this Historical District Enabling Act.

Chairman Alfano: We will open the hearing on the first bill assigned for this morning - Senate Bill 529. Are there any proponents of that bill?

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it, and it is just a completely useless piece of legislation which clutters up our statutes.

Chairman Alfano: What is the citation on that?

Thomas Byrne: 14 Conn. Supplement 379.

Chairman Alfano: It is a Court of Common Pleas decision only? No ruling by the Supreme Court?

Thomas Byrne: Yes sir. It was never appealed. It involved a case which arose in the Town of Ridgefield.

Chairman Spiegel: What section is this of Chapter 125?

Thomas Byrne: It's - I can't say what section it is right now - I just know it is Chapter 125. No, that isn't it - I'm sorry - I can give that to you if you like. It is Chapter 125.

Chairman Alfano: Is there anyone else in opposition to H.B. 3390? We will close the hearing on H.B. 3390.

And the hearing is open on H.B. 3415.

H.B. 3415 (Rep. Orcutt) COORDINATION BETWEEN THE PLANNING AND ZONING FUNCTIONS.

Philip Forzley, Connecticut Development Commission: The remarks I made regarding S.B. 529 here also apply. Thank you.

Chairman Alfano: Is anyone else here who wishes to appear in favor of this bill?

Chairman Spiegel: Is this a duplicate of S.B. 529?

Philip Forzley, Connecticut Development Commission: Yes, exactly.

Chairman Alfano: Is there any opposition to this bill? We will close the hearing on H.B. 3415.

The hearing is open on H.B. 4025.

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H.B. 4025 (Rep. Hogan) REPEALING THE HISTORIC DISTRICTS
ENABLING ACT.

Rep. Hogan, Burlington: Mr. Chairman, and members of the
Committee, I will keep my remarks brief be-
cause you have been sitting through quite a
bit here. I would like to read Section
7-147d of the 1961 Supplement to the General
Statutes.

Section 7-147d - Certificate of Appropriate-
ness. This is the objection I have to this
bill, - "No building or structure, including
stonewalls, fences, signs, light fixtures,
steps and paving or other pertinent fixtures
shall be erected, altered, restored, moved
or demolished, within a 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.

For the purposes of Section 7-147a to 7-147k
inclusive, exterior architectural features,
shall include the architectural style, general
design, and general arrangement of the exterior
of a structure, including the kind and texture
of the building material, and the type and
style of all windows, doors, light fixtures,
signs, and other pertinent fixtures. The
style, material, size and location of outdoor
advertising signs and bill posters within a
Historic District shall also be under the con-
trol of such Commission."

This is the law as it presently is. It was
passed while I was a member of the House,
possibly while I was a member of the Committee.
I don't know what action I took. Maybe I was
asleep.

I think that this is a trespass on the rights of
private ownership. I think the position that
was taken to back this bill was that we should
preserve history in Connecticut as we know it.

I think that the history of Connecticut is a saga of the settlers coming here to settle and become free people, that they might worship as they wished, that they might raise their families as they wished, and that they might be free from oppression of all types, and now we have a law such as this to commemorate these people, and the way that we are commemorating them is by taking away all the freedom that the people have today from the management of their own properties.

We don't have a Historic District in my town. I think that this is something that we as a Legislature should certainly seriously consider.

Chairman Alfano: Is there anyone else in favor of this bill?

Rep. James B. Mullen, Burlington: Mr. Chairman, and ladies and gentlemen. My name is James B. Mullen, and I live in the town of Burlington, and I might start off by taking Mr. Hogan off the hook with the good folks here who are awful mad at him for introducing this bill, by stating that he put it in because I urged him to. I don't think at the time that he had even read the complete bill, even though it did come out of a committee that he was on two years ago. I dare say from the looks of it that a good share of the Committee probably did not read it either, and I would also guess that it probably looks like something that was passed in the last two or three days of the General Assembly. However, I requested that the bill be introduced by Mr. Hogan, and as you have seen, he certainly supports me in it, mainly for business reasons.

I am Secretary and Treasurer of Robert E. Parsons, Inc., which is located in the heart of Farmington. Incidentally, we have been there in excess of forty years, long in the same location, and long before the existing zoning laws, to say nothing of this thing. I say, and we say in our business, that this could possibly be the result, possibly result in the definite detriment to the operation of the business. As Mr. Hogan has read you a

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section out of 147 which says that if I change my advertising, which I do periodically, sometimes as often as twice a month, I have got to go and get a Certificate of Appropriateness - and somebody really coined a word.

I say if we are in business and located in the center of a possible Historical District, and I say to you, we are, because there is already a Historical District proposed in the town of Farmington, and we are right in the middle of it, unless they see fit to change the proposed boundaries, we don't believe we can live with it. We think that it is a restriction of trade, or at least the ability to trade. I certainly, incidentally, will go along with Mr. Hogan in saying that the thing is a halt, is a restriction to the individual rights. I might add this - if it got so bad we had to sell our business, which we don't anticipate, but if it did, we would have to go to the so-called Commission to get a Certificate of Appropriateness to put up a for-sale sign. This is a little ridiculous.

Now I don't want to take up the time of the Committee. You have got a lot of opposition to this bill, and I assume they are all going to talk against it. I might say this much - I served a couple of terms in the General Assembly some time ago. I know that once you put a statute on the books in Connecticut, it is pretty hard to get them off. They go on quite easily, and this is certainly a good example, but they come off a lot harder. I don't suspect for one minute that you are going to repeal this bill, because I don't imagine I am going to have the votes, although we will try if we can get it out of Committee.

However, I would say to you that there should be some possible considerations to amendment. A great many towns are operating under a charter

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form of government with a Town Council, and as I read this bill, the Town Council is the last word as to whether this is going to be passed or not. It refers in the bill to a vote of its Legislative body. I am not worried about it in the town of Burlington, because we still operate on the old General Statutes and we have a town meeting when we are going to do something, but I certainly would worry about it in a town such as Farmington, or any other where there is a Town Council.

I would suggest to this Committee that some consideration be given to these items, that all commercial buildings that might possibly be located within a Historical District be eliminated from inclusion, that they should be taken out. I don't believe commercial buildings should be included.

I think also that the provision for a public hearing should be amended to require a vote. Now the statute, as it is presently written, provides that there shall be a public hearing, and everybody will get notice by mail, postage prepaid, which is all very nice, but if 90% of the people there were against it, the existing Commissions could still take it to the Town Council, whether the people were there against it, liked it or not.

I would go even further, and considering the fact that the Town Council at the present time could be very well the last word, and tack a town-wide referendum on the entire bill.

Now, personally, all of those things could be eliminated by merely passing what you have in front of you. Thank you very much.

Chairman Spiegel: If I might just interrupt for a moment. Mr. Hogan had some additional thoughts in favor of this bill, which I would like to read for the benefit of the public.

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"Perhaps I am not mature in discussing
Districts Historic
So I now ask you Mr. Spiegel, do you
think this thing is legal?
Before you can repair your walk
With a Commission you must talk.
You must be with them congenial
To do repairs that are menial.
You'll be told the purpose ain't
To let your neighbor choose your paint,
But I tell you, man to man,
Under this law, he can.

Chairman Alfano: We are still hearing the proponents - those
in favor of this bill.

Mrs. George Jareffe, South Glastonbury: Mr. Chairman, and
members of the Committee, I am Mrs. George
Jareffe from South Glastonbury, and I speak
from a personal point of view. Our house is
in a district which is proposed as an His-
torical District, and by golly, if it came
in, I think we'd move.

I favor the repeal of Public Act 430, because
it does not, as its protagonists claim, pro-
tect historic buildings, or areas, from com-
mercial encroachment. This is, and should be,
the province of the Zoning Board. It only re-
quires that commercial establishments have an
historical appearance, and I can understand
that they might object.

B. The Historical Committee is an appointed
body responsive to no other elected Town Com-
mittee, and the Historical Committee may, or
may not, be made up of people who have any
special knowledge of historical or artistic
appropriateness. Public Act 430 does just one
thing, and as Representative Hogan so neatly
said, it restricts the artistic freedom of the
home owner to decorate his house as he sees
fit, and penalizes the individual for express-
ing her personal choice in matters which are
aesthetic. It is an intolerable violation of

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the idea that a man's home is his castle, because it in no way protects the health or welfare of the community, while it prevents a man from freely choosing the color of his paint, the shape of his lamp-posts, the material and position of his walk or his steps, and the style of his doors or windows. A logical extension of this act would be the passage of a bill telling artists what subjects they could paint, and what colors they could use.

Some compromise must be possible between the free expression of individual taste, and the preservation of genuine and pertinent historical monuments. Thank you gentlemen.

Chairman Alfano: Have you got the right bill there?

Mrs. Geo. Jareffe: Yes. I am in favor of Public Act 4025 which repeals Public Act 430.

Rep. Scoville, Glastonbury: Members of the Committee, while I basically support the idea of preserving our historic monuments, I am afraid that the legislation which we passed in the last session of the Legislature was bad legislation, and therefore I am inclined to support this bill which would repeal that legislation. But, in the event that the Committee does not want to repeal, I suggest that you at least consider amending it, because to restrict people from putting a "for sale" sign in front of their house, from paving their driveway, from putting a vent stack through the roof so that another bathroom could be added, from painting the house the color that they want, irregardless of whether their house has any historical significance or not, is to me a gross invasion of the privacy of the rights that we, as American citizens, enjoy.

Something has to be done. It is in your laps collectively to resolve the problem. I hope you will take some action, and not just let this proposal die in Committee. I hope that

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something will be done to rectify the situation which exists.

In Glastonbury we have a Historic District. It covers an area in which there are some very valuable historical homes which should be preserved. It also includes vacant land, relatively new houses, and this is a proposal which I think those people who have individual rights of ownership feel is just not acceptable, so I ask your Committee to give this careful consideration, consider the ramifications of this law which was passed in the 1961 session, and either repeal it, or at least rectify the damage that it does.

Chairman Alfano: Is there anyone else in favor of this bill? Is there anyone here in opposition to this bill?

Randolph Mason, Connecticut Historical Commission: Mr. Chairman, and members of the Committee, and I would like to read a letter which has been prepared.

"In reference to H.B. 4025 introduced by Representative Hogan, repealing the Act Enabling Historic Districts to be Created, I wish to advise you that the notice of this hearing was not made public until after a recent meeting of the Connecticut Historical Commission, so that no formal action could be taken by the Commission. However, Mr. Whitney L. Brooks, Chairman of the Commission, has authorized me to appear to register objection to the passage of this bill.

Public Act #430 has now been in effect for nearly two years. During this time Historic District Study Committees, representing eleven municipalities of the state, have completed their local investigations, and have submitted reports to the Historical Commission, as required by the Act. Of these three municipalities have approved the formation of these districts. In a number of

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other municipalities, the establishment of districts is under serious consideration, ranging from the discussion of the formation of Study Committees to the point where Committees already appointed have about completed their work.

The repeal of this Act would therefore cause considerable confusion in these towns, and would undoubtedly result in the introduction of many individual bills authorizing each town separately to establish its district rather than permitting them to function under the present general Act.

Public Act #430 provides many safeguards for a municipality and its residents before and after a Historic District is established, and as its name implies, it does not affect the entire town, but only such portions of it as the local residents may determine and for which local ordinances may be adopted. Obviously there are a number of municipalities within the State which have no justification in attempting to set up an historic district, but in others where the voters of the town feel that a group of historic buildings should be preserved, they should be given the opportunity of so doing, and this is just what the present act permits them to do under broad and ample restrictions.

It is therefore the desire of the Connecticut Historical Commission that the present law be retained. Thank you.

Senator Frederick Pope, Jr., Fairfield, 25th District: I will be very brief. I am not familiar with the details of the Historic District Enabling Act, and therefore I cannot appear here and argue pro and con the various points which have been made. I would only say, though, that I would think the repeal of the whole Act would unquestionably be wrong, and that in many towns,

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including my own town of Fairfield, this is an important matter, as I am sure you will hear in more detail a little later on.

It may well be that there are points which should be clarified, and that the Act should possibly be amended.

I might say that just sitting here and listening to my good friend, Morris Hogan, and also Mr. Mullen, it would seem to me you have a problem of constitutionality here if it can be interpreted and applied as they describe it, but nevertheless, suffice to say that I support the Historic Districts Enabling idea. This is a time when we are talking about open spaces, preserving the more beautiful aspects of Connecticut, and certainly this is allied and is part of the overall problem. As I say, it may well be that there are aspects, real technical aspects of the bill, which might be changed, and I have no opinion on that. I merely oppose the elimination of the whole thing. Thank you very much.

Chairman Alfano: May I remind you all again - we do have registration sheets up here at the front desk so that you can favor or oppose this bill. We hope that all of you don't anticipate speaking on this. We want to be back here this afternoon at 2 o'clock with fifteen more bills to be heard. Thank you.

David J. Bower, Wethersfield: Senator, and members of the Committee, my name is David J. Bower. I am the Town Manager of Wethersfield. Prior to coming to Wethersfield I was the Borough Manager of Leiditz, Pennsylvania. In Leiditz we had a Historic District, and one of the things that prompted me to seek the position in Wethersfield was the fact that the Legislature had just passed the Public Act 430, and the town was looking forward to proceeding and establishing its own District.

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It seems to me that the legislation which was passed in Connecticut is quite reasonable. There is nothing in it which forces upon the towns the necessity for taking action. It is a matter of enabling legislation, and it is a matter of local option. It leaves it at the discretion of the people in the town. It leaves it in the hands of those persons who have been elected to take care of the affairs of the town. If those people cannot be trusted to do the thing that is right, then probably no one can be. It has been suggested that perhaps this bill, or this law, is unconstitutional. Certainly the only way that can ever be tested is to have a court case on the matter.

It would appear to me that the way the bill has been worded, and the way it is being executed in the Town of Wethersfield, that it does not infringe upon individual rights to a greater extent than existing zoning that we have.

It has been suggested also that there are problems with this. I would not want to say that there are not problems. Any law that is passed develops problems in the administration of it. We are uncovering those problems as we go along. We have not yet had sufficient experience, however, in operating under the provisions of the law, and in operating under the provisions of our local ordinance and regulations, to be able to say competently to the Committee or to the Legislature that the problems are 1, 2, 3, 4, and that the action which should be taken is A, B, C, D. We would hope that after further experience with it that we might be able to suggest changes. At the moment it would appear though that as a basis for action, it is reasonable, and as a basis for accomplishing the intent of what I think everybody agrees is a good intent, it serves as a most appropriate vehicle.

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I would urge the Committee to give an unfavorable report on this proposed bill, H.B. 4025.

Chairman Alfano: How long has your Historical District been in operation?

David Bower, Town Manager, Wethersfield: The ordinance was passed by Counsel after considerable deliberation and investigation by the Study Committee. The ordinance was passed last September, 1962.

Chairman Alfano: Has there been any problem with the individual rights? Such as one gentleman raised, in regard to painting of homes, placing of signs? Has the Commission gone out of its way to regulate that?

David Bower, Wethersfield: The Commission has discussed the best approach to take on specifically, painting, and have come to the apparent conclusion that good judgment has been used by people within the District up to this point, and until there appears to be a lack of good judgment, that they will not regulate that on a one-by-one basis.

Richard Butterfield, Farmington: Gentlemen, I am a member of the Study Committee appointed by the Town Council in Farmington to investigate this matter for Farmington. Two other members of our Committee are here.

I wish to say that we have proceeded with our study to the point where the report has been turned over to the Historical Commission of the state as is required, and to the Town Zoning and Planning Committee. We are now waiting for their reports to it, and then a Town hearing.

As one of the gentlemen said, if this present act should be reversed and taken out of effect, certainly we would proceed with this and there would be a whole raft of bills presented.

I wish to say that in our study of these matters - first of all we have found that it is a very excellent area in Farmington which should be protected in this manner. In our study of this

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matter we have had many public meetings. We have tried to sound people out. We have had neighborhood meetings all through the District. The people in general are in favor of it. I would say in excess, in excess of 90% of those to whom we have talked, maybe 95%, have been in favor of it. Those who have been against it have used the same arguments you have heard today from Mr. Mullen and the lady from South Glastonbury. They are simply afraid of what may happen. Now I think it is much too soon to let that do away with the Act that was put into effect two years ago. After all, this is for the protection of people, and being operated by people in the town, and I don't believe there is going to be an unreasonable approach taken to matters under this act.

Let me say this, that although it is fairly new in Connecticut, it is in effect only in Litchfield through a different act - except for the recent one in the state - but it has been enacted in several other states, Massachusetts, I think Rhode Island, in Georgetown, and in Pennsylvania, etc. And the experience - we have tried to find out how this act works and does not work, and the experience in these areas has been that it has generally worked out very well.

When it is called a restriction of the individual, of course, all our laws are in effect a restriction of the individual. I think we would get nowhere if we took that course. My feeling is, rather, that is a protection of the individual. It is to protect you, and you and you, against - if you have a house, a fine house - against a neighbor coming in and doing something which is going to hurt you. It is that rather than you being restricted from doing something crazy which you are not going to do in the first place.

Now in regard to the commercial problem, that is recognized as a problem, but all problems

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can be worked out. We know from our studies that business enterprises of big companies who have, as it were, stock plans for garages, supermarkets, and that sort of thing, usually have a series of such plans, possibly with Colonial treatment, or possibly modern treatment. I think a little reasonable discussion between the individuals and the Commission in working on this Certificate of Appropriateness, I don't see that is world downfall.

Finally, we do have zoning, and this, in my mind, is simply an extension of the zoning that we have. Zoning says nothing about the aesthetics, the architecture, the historical significance of any buildings, and in Connecticut we are blessed with many towns which still have fine buildings. They are not all masterpieces, but just the character of the village or town is there - something which has been passed on to us. I think it is a heritage to us. I think we should do what we can in this generation to protect it. Thank you.

Rep. McNamara, East Hartford: (Member of Committee) Under the bill that is now drafted, it is my impression that it puts power in the hands of people who are not fully competent on the subject, that it might lead to some great abuses. Do you agree, or do you think the power is so restricted that even if it were, that the powers are not that broad?

Richard Butterfield, Farmington: No, I agree with you, but in our democracy any elected or appointed officer can turn against the public good. Certainly you can look at the number of appeals that have been against zoning, opinions that are not agreed with, but that the fact under the present statute this is in the hands of the local community, - in our case, the Town Council, and if the Committee that they appoint to carry out this legislation, create hardships and imposes any restrictions which are unreasonable, they can just wipe the thing out just like that.

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Rep. McNamara, East Hartford: (Member of Committee) Another question - having been brought up in Wethersfield, a Colonial area for which I have a great love, don't you think the bill might defeat a certain purpose if the age (words inaudible) You are not restricted by age now.

Richard Butterfield, Farmington: No.

Rep. McNamara, East Hartford: I assume that we could declare a building ten years old a Historical District the way it is now?

Richard Butterfield, Farmington: Yes. We intend to in Farmington.

Rep. McNamara, East Hartford: What is the historical significance of a building ten years old in Farmington now?

Richard Butterfield, Farmington: It is simply that they are so closely - in Farmington we have buildings built in 1650 up to 1962. In fact, they are not 1650 all along this street, and 1700 all along that street. They are all interspersed. I think that lends a fine architectural character to our town, the fact that we have this period and that period, right up through to the present day, and we cannot believe it advisable to draw the line around any number of houses. What you are doing is taking an area, a neighborhood, which is predominantly filled with buildings of this type, and of putting this restriction of future buildings and change in that area.

Rep. Spiegel: Do you know exactly how many other states have adopted this legislation?

Richard Butterfield, Farmington: Oh, I am sorry, - states - no, I don't. Whether it is town by town or by state, I don't know.

Rep. Sullivan, Suffield: Mr. Chairman, and members of the Committee, I am speaking in opposition to H.B. 4025. We feel as though this is a local question, and the people in Suffield feel as though they are best able to meet the situation. We oppose H.B. 4025. Thank you.

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Rep. Helen M. Lester, Litchfield: I would say that I don't know just what the problem is here now, but I feel that I should speak from Litchfield because we started the whole thing. We had the first Special Act on the Historic Area passed in the General Assembly, the 1959 Session, or 1957, I have forgotten which. Anyway, so much excitement was created by this, it seemed to serve a need which many communities were feeling. The enabling legislation was passed here which I think was a good thing. I would say that if it has not worked out, and there are areas where the bill could be improved, that would be fine. But it is not in the province of the General Assembly really to set up Historic Areas as they did for Litchfield, as they did the first one. To come up here, and have the problems ironed out in the General Assembly, it is much better to be done at home. Therefore I strongly approve of the enabling legislation.

The Historic District Act has worked very well in Litchfield. We like it. We have lived with it. It has not proved to be too restrictive. We may have a special set-up there in town, but it has worked extremely well, and the enabling legislation was supposed to be something to do what we had done in Litchfield. It has created a lot of tourist interest. The publicity has been fine. I think this is to state-wide advantage. People drive in to see the town, see the area, and we found it very nice, and I think it would be a step backward to just throw this out without considering it. Thank you.

Rep. Franklin Fuller, Suffield: I would like to oppose this bill, H.B. 4025. As Mr. Sullivan said, we feel it is a local issue, and we are opposed to this. Under the present enabling act the Historic Study Committee is informed to seek approval from the Connecticut Historical Commission and our local Planning and Zoning Board. There will be a public hearing the first of April, and then it will go to the Town Council for an ordinance to be brought up at a public meeting. I have been asked by the Historic District Committee to leave this with you.. Thank you very much.

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Irving Pruyn, Colebrook: I will be very brief. A great deal of what I was going to say has been said by the Town Manager of Wethersfield, and the gentleman from Farmington.

In Colebrook we have started proceedings under this enabling act. I happen to be a member of the Historic District Study Committee. We have completed our report, and it has been approved by the Connecticut Historical Commission. The Zoning Board has not disapproved it, so its approval is taken for granted, and we are about to have our public hearing in about a month's time, and then after that we will submit it to a Town Meeting. We operate under the good old-fashioned town meeting. We have recommended two Historic Districts. I think most everybody in Colebrook is in favor of this, and every owner of land within these two proposed districts has been contacted, and every single owner has approved and consented to it, and they have all been furnished copies of the Act, and have gone over that carefully, and it is reported that they see nothing wrong with the enabling act.

When you come right down to it, this is really a local matter. It is an enabling act. It is home rule, and no town has to go into this if they don't want to. It is really democracy working at its best, and it will be the Town Meeting in our case, and it will appoint the Commission which will function under this act, and we assume that a Commission will be reasonable. If it is not reasonable, at the next election, the people can throw out the Commission, and get in people who are reasonable. Now if you think that some of the standards set up in the act, some of the restrictions set up in the act, may be a little too strict, as Mr. Hogan and Mr. Mullen seem to think, why then these can be changed possibly. But that problem has not arisen yet. Apparently, the law has been in effect just two years, and it has not had

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a chance to operate really. When those problems arise, they can then be handled, and I assume that in all cases, practically all the towns, the Commission appointed under the Act will function reasonably. I think it would be a great mistake to repeal this act at this session, or to do anything with it at this session. Let experience go for several years, next session, or the session after, if there are problems or bugs in the act, why they can be taken care of at that time.

A number of states, I don't know how many, have acts of this kind - Massachusetts I know has - and Beacon Hill, as you probably know, has been declared an Historic District in Boston, and those who know Boston can well understand the importance of preserving the historic relics and architecture of that section of the city.

Even in other countries - in Mexico for example, the city of Taxco, which some of you may have visited, that is an old city, and as I understand it, no new buildings can be constructed, and no changes in architecture can be made except in the old style of the 1600 and 1700's. So the whole idea is a very fine idea, and I think it is something that all of us should preserve, and I therefore urge your Committee to bring in an unfavorable report on this bill. Thank you.

Chairman Spiegel: A question, if I may? If every property owner in your District was in favor of it, they could accomplish all of these purposes by virtue of a private agreement, could they not?

Irving Pruyn, Colebrook: They could, but suppose they sell their property then.

Chairman Spiegel: Well, they could record it in the land records which would then run as a restrictive clause on it. If one or two parties out of a group chose not to sign the agreement, would that materially detract from the Historic District if there were just one or two who chose not to go along?

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Irving Pruyn, Colebrook: I think it would depend entirely where their properties were located in the proposed District. We recommended two Districts, one Colebrook Center, about a dozen houses or so, and one at North Colebrook Center, where there are about a half dozen houses up there, and those are the two areas of the town that have so far remained practically unchanged in a hundred years. I think not only the people in the area, but the people in the town would like to see the town preserved as it is.

George Pratt, Southport: I am Chairman of the Fairfield Historic District Study Committee. I am here in opposition to H.B. 4025. I wish to associate myself with the remarks of the persons who have preceded me in similar positions, and will not repeat that, but I have here, and would like to file with the Committee, a letter to Mr. Spiegel and to Senator Alfano, from Mr. John Sullivan, First Selectman of Fairfield, and I would like to read the last paragraph of that letter.

"I strongly urge the defeat of this bill which would abolish the Historic Site Committee, and the Board of Selectmen, including Mr. Robert G. Lee, and Mr. Homer Cudmore, are in unanimous agreement that this bill should be defeated."

I should also like to file with the Committee letters to Mr. Spiegel and Senator Alfano from Mr. Charles Peden of Fairfield who is the President of the old Post Road Association in Fairfield. Thank you very much.

Chairman Alfano: Anyone else?

Rep. Pasquale Barbato, Hamden: I would just like to go on record as being opposed to H.B. 4025.

A. E. Van Deusen, State's Historian of Connecticut, and also a member of the Historic Commission: I don't want to take much of your time to repeat what has already been said, but as a historian, I would point out that Connecticut has already lost a frightening proportion of its old homes. I

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think this enabling act for Historic Districts, No. 430, is a very great step forward. It may have some bugs, so act is perfect, but I think we ought to give it a chance to show what it can do.

I have read the reports of all of the eleven towns that want to have Historic Districts, and I have been very much impressed with them, and I would like in closing, just to quote from the last one that came to our attention, the closing paragraph.

"However, in this Church Hill District, it has a very unique and beautiful group of buildings, around which our early history centers, and which gives character and significance to the town. It is, as yet, undamaged. However, without the protection afforded by the establishment of such an Historic District, it can very easily be lost, and once lost, it can never be regained."

I think that is typical of these towns which have gone ahead with this, or are in the process of it, and as an historian, and a person who loves Connecticut and its beauty, I think we should do everything possible to preserve these things which have given our state a wonderful reputation for attractiveness throughout the nation. Thank you.

Wilfred J. Maxwell, Planner and Head of the Planning and Development Section of the Connecticut Development Commission. I have been asked to read a statement prepared by the Connecticut Development Commission. I will only read certain portions of it.

"The Connecticut Development Commission strongly supported the enactment of the Historic District Enabling ACT at the 1961 session of the General Assembly. Subsequently, it sponsored a state-wide conference on the use of this legislation.

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More than 250 citizens of the state from approximately 70 of its municipalities attended the conference indicating a widespread interest in this very important matter. Since that time, many communities in Connecticut have begun the process of establishing historic districts and several have now completed this process and have actually established a district.

"These areas are a basic part of our heritage and are an asset unknown in many parts of this country. Through the enabling legislation, municipalities can, if they choose, take steps to preserve this heritage. Not only is this important historically, but is a distinct economic and social asset. Such a district can protect a property owner from loss of value of his property due to changing environment.

"Furthermore, it can assure the municipality of continued tax income from the area without increased service costs. Such historic districts are points of tourists' interest and the districts are also a competitive asset in the attraction of new industry and research facilities since the gracious village settings preserved through historic districts are attractive residential places for executive and research personnel.

"No municipality is forced to use this legislation. It is merely enabling legislation. The Connecticut Development Commission feels that an important tool for preservation and enhancement of some of the greatest assets of the State would be lost were the historic districts enabling act to be repealed. Thus the Commission is opposed to H.B. 4025."

If I may just change my hat for a minute, and I will speak as Secretary of the Federation of Planning and Zoning Agencies. So as not to

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belabor this too long, we are also opposed to the repeal of H.B. 4025. As you know, gentlemen, perhaps we were the prime supporter of the bill of the 1961 Session. If you wish, Mr. Byrne of the Federation is here, and will answer any questions which you might have.

For your general information, he just told me that the Supreme Judicial Court of the State of Massachusetts has rendered on two occasions an advisory opinion upholding the constitutionality of the Massachusetts bill. Mr. Byrne will answer any questions you might have - thank you.

Mrs. Robert Hoskins, Windsor: I would just like to take a few moments to say that Windsor, of course, is one of the towns which is only just starting to operate under an ordinance setting up an Historic District. Our District Ordinance actually made some exceptions from some of those items which have been brought up as being mostly criticized in the Act, but, on the whole, we expect a great deal of good to come from our Historic District, and the fact that almost all of the towns which have talked this morning having districts set up in them, are completely apparently satisfied with the way they work, leads me to think that probably it will likewise follow in Windsor.

I don't speak in any official capacity. I do belong to the Windsor Historical Society which, since they knew about this bill, has not had any opportunity to meet and take any action on this particular bill, but I know that the Windsor Historical Society worked very hard to get the Historic District set up under the enabling act, and I feel sure that I speak for a great many people in Windsor when I say that we certainly feel it is too soon to start eliminating a whole act which could throw these various districts into confusion. Let's take time and see what the experience is. All of the arguments against it are well known, and have been mentioned in hearings, but it remains to be seen

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whether they are really based upon valid facts, and I hope that this will not be repealed, No. 430, but that you will turn down this particular bill.

Samuel Glover, Fairfield: I am president of the Fairfield Historical Society, a member of the Historic Study Committee, and a resident of the District which is proposed for an Historic Site in Fairfield. I would just like to leave with you a letter from the Historical Society, and say that the Society, and, of course, the District's Study Committee, and I personally very definitely oppose the repeal of the enabling act which is now in force.

Mrs. Lois Gustanson, Glastonbury, Conn.: Many of the individuals in Glastonbury, as well as some organizations such as the Historical Society, League of Women Voters, and the Town Planning and Zoning Committee, feel very strongly that the establishing of Historic Districts is of great importance to Glastonbury. It is felt that the intent of this ordinance is to preserve, not curtail. Our town has much to be proud of, and many historic sites to protect.

We urge that H.B. 4025 not be considered.

Stanley Lawford, Glastonbury: I am the Secretary of the Glastonbury Historic Districts Commission which was appointed under this enabling act, and let me just say a few words on actual commissions which have been appointed. We have talked to the Wethersfield Commission to get their feeling on how this enabling act should be interpreted, and we discussed it in detail. I might say that neither of these two districts are in operation yet because the committees have not reported back that their by-laws have been approved and that they are ready to go into action. They are still studying and determining rules of procedure.

I think in Glastonbury and in a lot of those towns it serves a very important purpose because there is something not covered by the

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ordinary Zoning Laws where you have a mixture of old houses and commercial enterprises in the same area. I think this Historic Districts Act is something that will always have to be worked out so that the old houses can be preserved and still have a legitimate commercial expansion.

There is several mentions made of deficiencies in the enabling act which our Committee has realized in reading it carefully, there are several contradictions in it, and I just thought I would bring it to the attention of the committee that I think everyone agrees that it could stand perhaps some amendment, and one of the areas is particularly that it is not clearly spelled out that the local Commission has the privilege of setting up an ordinance which is less restrictive than the enabling act.

The enabling act says that no external changes can be made to the property, but most of the local ordinances say that no external changes as viewed from the street, which is less restrictive, and that has been picked up by opposition lawyers as being illegal because it is not an enabling act, and although we have a legal opinion saying that this is permissible, it seems like that is something which should be fairly spelled out, so that the town cannot exercise its full police powers up to a certain limit, and the same connection - all these attacks on little trivial hearings on signs, pipes, paint, etc., it is the opinion of our Commission, and I know of the Wethersfield Commission, that they have no intention of rendering a decision on all these petty things. They wish to make up a list of exceptions which will be allowed without any hearing, but at present there is a legal question as to whether a list like this can be made under the terms of the State enabling act, or whether you have to have a hearing on every single change to be made.

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Chairman Alfano: Is there anyone else?

Mrs. William Brewer, Norwalk: Although I am a member of the Common Interests group of Norwalk, our group only just learned of this hearing, and had not had an opportunity to meet.

I know we would all be very much against the repeal of Public Act 430. I think we would agree perhaps with some that perhaps there should be some amendments. Now, we in Norwalk, have not had even a study committee. We are tremendously interested in this. We have a green area which we feel is going to be lost in perhaps a matter of weeks or months. Last April the Common Interest group submitted to the Common Council of Norwalk a petition which was signed by over 1000 citizens, and to date the Council has not voted on it, so I believe that the amendment which we would feel would be in order would be that the Committee consider something similar to the time limit on the final report where it says that the Legislative body reject the report of the Committee, and stating its reasons therefore.

I think perhaps it would be a good idea if it could say in the beginning that if a petition is sent to a Legislative body that they perhaps in sixty or ninety days take a vote and give its reasons for rejecting the appointment of the study committee.

Ella F. Wood, Hamden: I am a member of the Connecticut State Historical Commission, and I am the Executive Director of the Connecticut League of Historical Societies, whose membership numbers over eighty Historical Societies, with a membership of persons of over 15,000.

I have three closely typed pages which I am not going to read to you, but I would like to answer in part one question which was raised as to whether or not these historic areas might not just as well be set up under the Zoning Laws, and point out that up until the passage of the enabling act, there had been only one request and passage for establishment of the historic

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and that was in Litchfield. Since the passage of the enabling act, there have been between eight and ten communities which have gotten well under way, some of them finalized their procedures and established the Historic Areas, and others well on the way to do it.

One point which I think has not been mentioned is that experience in other places, particularly for instance, Beacon Hill, has indicated that these are financially profitable to the people in the area. Probably nobody was more skeptical about it at the outset than the merchants in the Beacon Hill area. They are now very much in favor of this kind of area. It does increase property value.

I would also say that the enabling act, which I know was set up very carefully, very much in detail, and I think it is possible to see that one could by using a certain kind of paint completely dispel the illusion of the past. However, it was not intended to work any hardship for any individual. That there are restraints I think we could see, possibly not in the color of the paint we use, but we cannot let pigs run in our front lawns. There is an objection in most communities to "Chick Sales" and we cannot refrain from reporting communicable diseases. Those, as Mr. Butterfield pointed out, are some of the restrictions which we have in our democracy.

Mrs. Marjorie McNulty, Glastonbury: /I wish to appear in opposition to this bill 4025 which would repeal the enabling legislation for Historic Districts. We, in Glastonbury, had a particular problem, inasmuch as there were two people speaking in favor of this bill in Glastonbury, I would like to go into that a little bit for the Committee.

We had a particular problem which was that the area contiguous to our Historic District on Main Street was an area stretching from the Center to the East Hartford town line, a greatly devastated area in town, and a Gasoline Alley

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and a great hodge-podge of commercial establishments, neon signs, etc. This enabling legislation seemed a God-send to us because it was an opportunity to preserve what still remained of fine old Glastonbury from the Center downward, although actually our Historic District takes in only .6 of a mile.

Now this enabling legislation does not have anything to do with use, but merely appearance. However, there were people who I think did not understand this, and a lot who thought it did have to do with use, and these were opposed to the bill. You see, our Town Council when it passed this bill, did so unanimously except for two abstentions. At the hearing, however, there were objectors, and these fell roughly in two categories, (1) real estate speculators, and (2) a small, but vociferous group who professed to champion individual liberties.

Now my feeling is, and I would hope that the Committee would agree with me, that laws are not set up to further private gains. The real estate speculator I think felt that it was possible that land and buildings, perhaps they had expected to tear down, the land on which they stood might suffer some loss in value if there were restrictions as to the appearance of the buildings which might be put up. I think this is a moot point, a debatable point. I see no particular reason why to put up buildings with large sheets of plate glass should be more expensive, but at any rate these people felt it might, and therefore they objected.

I do feel as far as the group that were afraid that individual liberties might be endangered were concerned, that they perhaps had lost sight of the fact that Zoning Regulations, which still do have good use, are a great deal more restrictive upon individual liberties than this particular one. As a matter of fact, all laws to a certain extent, are restrictive to individual

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liberties, and if it has to be, it has to be, so that we may have an ordered society.

I therefore urge the Committee to bring in an unfavorable report upon this bill. Thank you.

Chairman Alfano: We would like to request you to be as brief as possible. Some of us want to get into either the House or Senate Floor, and we do have hearings this afternoon.

Estelle Reimer, President of the Wilton Historical Society: I will be very brief. I will simply say that Wilton is one of the towns that has appointed an Historical District Study Committee who sent in its report to the Commission, and we look forward soon to a public hearing on the recommendation of the Historical District Study Committee.

One point which I think has not been brought out in the foregoing argument against the repeal of the law #430, is the fact that in many instances, the Historical Districts of the town amplify and enrich the public education of the town by having places where children can come from the public schools and have the whole social studies program of the public educational system enriched by reason of the fact that there are Historical Districts that are kept in their proper state in the towns.

Kate (name not audible), Wilton: I have been a member of the Society for the Preservation of Antiquities for over forty years, and I have worked for that trying to save the old buildings of New England. I have seen so many times where these little towns were taken over, the old buildings gone, I mean the pre-Revolutionary buildings, and then the regrets of the people who are there, so I am opposed to this bill.

I did not intend to mention Taxco, but as it was just referred to, a week ago today I was doing business with an American, a Pennsylvanian

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in Taxco, and I went and did business with him merely because he knew what he was doing, and he felt that his business would be successful, and was doing business there in a National Monument.

Chairman Alfano: Thank you. Anyone else? Shall we hear from you Mr. Byrne?

Thomas Byrne, Connecticut Federation of Planning and Zoning Agencies: Mr. Maxwell represented the Federation of Planning and Zoning Agencies, and we do oppose the passage of this bill.

Chairman Spiegel: One legal question, Mr. Byrne. Is there any provision in the act for minimum maintenance standards? If a person just never painted their house for fifteen years, is there anything you can do to make them paint their house?

Thomas Byrne, Connecticut Federation of Planning and Zoning Agencies: This act, or an act similar to this, has been adopted in Massachusetts, Rhode Island and Pennsylvania, at least those three that I know of, and now in Connecticut, and as Mr. Maxwell previously pointed out, the Supreme Judicial Court of Massachusetts on two occasions has ruled an act very much similar to this would be constitutional.

Chairman Spiegel: How did we go through these last three hundred years without this enabling act?

Thomas Byrne: We were very fortunate.

Chairman Alfano: I think someone asked a question before Mr. Byrne. Do you know how many states have adopted the Historic District legislation?

Thomas Byrne: I know Massachusetts, Rhode Island and Pennsylvania. I am not sure of any others. I know those three. There are special areas, of course, like Williamsburg set up.

Doris Wees, Southbury: I am against H.B. 4025. We are in the paneling business, and we have seen too many old houses torn down. We should gain by it, but we

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don't want to because we love New England, and the whole seaboard here is really the only place where they have the earliest houses. Farther west, they have later ones, but we should preserve for educational purposes anyway, our heritage. Also we should think of the economic advantage so that we could get some tourism, and if the United States is getting to be the ugliest country in the world, it won't help our economy, so nobody will gain. We are against this bill, and we would like to see the enabling act preserved because it doesn't force anybody to do anything. It just gives them an opportunity.

Chairman Alfano: So unless there is anyone else, we will - -

Mrs. B . E. Thornberg, Wethersfield: I am a member of the study group in the establishment of this Historic District. I did not intend to speak, but you asked why these houses have survived. I would like to say that many of them haven't. West Hartford, for instance, is a perfect example of a town which was a farming community, and there were many old houses in the town at one time. There is practically not an old house left in West Hartford now.

Rep. Cole, Fairfield: Mr. Chairman, I would like to go on record as being opposed to H.B. 4025.

Chairman Alfano: So, unless there is anybody else, we will adjourn then until 2:00 p.m. this afternoon.