

**PA13-181**

SB0960

|                           |                                                                                                 |            |
|---------------------------|-------------------------------------------------------------------------------------------------|------------|
| House                     | 8991-9041                                                                                       | 51         |
| Planning &<br>Development | 1156-1163, 1198-1205,<br>1227-1235, 1244-1247,<br>1250-1252, 1257-1260,<br>1268-1271, 1299-1305 | 47         |
| Senate                    | 2702-2709, 2715-2716                                                                            | 10         |
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**H – 1175**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

**VOL.56  
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Mr. Speaker, today we are joined up in the Gallery by U.S. Government classes from my alma mater, East Haven High School and I just ask the Chamber to give them a warm welcome. They've been waiting patiently to observe the activities today, so welcome, East Haven High School. Thank you for coming.

(APPLAUSE.)

SPEAKER SHARKEY:

Thank you, sir. Welcome to East Haven High School and hopefully you will learn something today, if nothing. That doesn't always happen here, but hopefully today will be one of those days that you will. So, after hopefully a good rest for everyone from our long night, Saturday night, hope everyone's well rested and ready to go now through the end on Wednesday evening, so let's get right to business.

Mr. Clerk, will you please call Calendar Number 626.

THE CLERK:

Yes. On Page 28 of today's Calendar, Calendar Number 626, Favorable Report of the Joint Standing Committee on Planning and Development, Substitute Senate Bill 960 AN ACT AUTHORIZING MUNICIPALITIES TO PROTECT HISTORIC PROPERTIES AND DISTRICTS.

SPEAKER SHARKEY:

Representative Dan Fox, you have the Floor, sir.

REP. FOX (148th):

Good morning, Mr. Speaker.

SPEAKER SHARKEY:

Good morning, sir.

REP. FOX (148th):

Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER SHARKEY:

The question is acceptance of the Joint Committee's Favorable Report and passage of the bill.

Will you remark, sir?

REP. FOX (148th):

Yes, thank you, Mr. Speaker. Mr. Speaker, the bill before us authorizes municipalities to adopt ordinances to protect the historic or architectural character of properties in districts that are listed on, or being considered for listing on the State or National Register of Historic Places.

The bill makes clear that the adoption of such ordinances are within the powers of municipalities and gives towns the ability to identify, preserve and enhance unique and historic properties.

Mr. Speaker, contained within the legislation is a particular phrase, under consideration for listing on and to further clarify and expand upon such phrase, I'd like to just point out that such properties under consideration are under consideration by the direction and request of the owner of that particular piece of property.

Mr. Speaker, this bill received the unanimous support of the Planning and Development Committee as well as the Senate, and I urge adoption. Thank you.

SPEAKER SHARKEY:

Thank you, sir. Do you care to remark further on the bill that's before us? Representative Aman.

REP. AMAN (14th):

It is now good afternoon, Mr. Speaker. Yes, I rise. I do have some questions for the proponent of the bill.

SPEAKER SHARKEY:

Please proceed, sir.

REP. AMAN (14th):

Yes. To the proponent, most of the time with Planning and Development bills when they go forward, we're looking to avoid it being a mandate and we look for those magic words of may or shall. I do not see

either of those two words in there, so my question through you is, does the general powers as put forth in Lines 4 and 5, does that cover the, what most of us would be looking for when bills have the word may in them? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Yes, through you, Mr. Speaker, yes.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Yes, that's also the way I interpret it because it authorizes a municipality to make all lawful regulations and it's my understanding that all this bill does is give another category, which a municipality may make lawful regulations. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Through you, Mr. Speaker. Yes.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

The municipalities, we've had several talk to us about it. Does this require any municipality to set up this procedure and have these properties listed this way or do anything? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Through you, Mr. Speaker, the legislation before us is simply enabling and does not require any of the conditions inquired of by Representative Aman.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Right. The buildings or area, and I guess I'll ask that first. Is there any limitations on the type of buildings or property that could possibly be placed on the National Register of Historic Places in general and for this bill in particular? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Through you, Mr. Speaker, no, there are not any such conditions. Obviously, for a building to be placed on the State Register of Historic Places or the National Register of Historic Places there are some conditions that those individual properties must meet in order to obtain final classification as such.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Yes. This bill is separate from anything that talks about historic districts. I'm wondering if the proponent could explain to me the difference between what this bill does and what many of us have known as historic districts for many years? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Thank you very much, Mr. Speaker. Through you, the bill does not conflict with the Local Historic District and Property Act, property act codified by Connecticut General Statute 7-147a. This legislation before us does not authorize the creation of historic

districts and the principal practical difference between a district created by a town under the Local Historic District and Property Act and Senate Bill 960 before us is that a two-thirds vote of the property owners is required to create a local historic district.

The bill before us does not contain such a requirement. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Yes. So it's my understanding from what you just said that this would cover a single, particular building or home or piece of land that the owner wanted to preserve in some format that would not be enclosed within a typical historic district of a town, so they'd be freestanding properties?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Through you, Mr. Speaker, that's correct, yes.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Following up on that, why would any property owner want to do this? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Through you, Mr. Speaker, the ability of a property owner, there are benefits to being identified as a historic district, the means by which there could potentially be financial incentives, if your home is in fact listed as a historic district, as well as just preserving the integrity of that piece of property for years to come.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

From the answer, I can understand that for the perceived factor of saying my home is a historic district home, or there is a possibility of some financial gain.

However, if I remember our public hearings, there was a lot more discussion of possible loans and grants than there are actually money ever available. I think

a lot of people dream about this and then find out the reality is that the funding is not there.

Are any municipalities currently doing this or something similar? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Yes, thank you, Mr. Speaker. Through you, Mr. Speaker, currently there are two municipalities, that being Hartford and New Britain, which are participating in a similar set up. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

If we have two municipalities already doing this, why are we passing legislation to authorize them to do something that they're currently doing?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Yes, thank you, Mr. Speaker. There was some concern presented at the public hearing from

Representatives of each of those municipalities. They were concerned that if this legislation and this language was not codified, there would potentially be a challenge or challenges to the decisions being made by those particular entities.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Yes, and what type of decisions or restrictions could be placed on the property once a homeowner wanted to have it listed and a municipality followed through with this type of, on this legislation as authorized?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Thank you, Mr. Speaker. Mr. Speaker, such restrictions placed upon the property would be up to the individual municipalities. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Yes. And if a homeowner has put his home on the National Historic Registry and several years later this gets enacted and the municipality wants to put restrictions that the current owner does not want, are they able to remove their home from the historic registry and basically avoid any requirements the city would want to put on these freestanding properties, which is very different than the historical districts, where once you're in, there is no opting out? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Through you, Mr. Speaker, I am not entirely aware of whether or not a home can be removed from the National Historic Register once placed upon the home. My belief is that a home placed upon the National Historic Register, once done is done for a particular reason for which the property owner would prefer to preserve for the duration.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Yes. I'm sure there will be other people who are very, and been involved with the historical preservations that can probably flush that out a little bit more and discuss it, because I know from talking to some individuals, they have avoided putting their properties in a historic district because they're afraid of what might happen and I'm just a little concerned that no one is going to be willing to do this if they don't have some sort of escape method in the future.

I thank the proponent very much for the answers and his knowledge of the bill. It again, for the Chamber, it is completely enabling legislation. No municipality has to do it. No property can be forced to be put into it, so it is a voluntary action by both the municipalities and the homeowner.

So I thank you, Mr. Speaker, and I thank the proponent of the bill.

SPEAKER SHARKEY:

Thank you, sir. Do you care to remark further on the bill that's before us? Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker. Good afternoon.

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DEPUTY SPEAKER RYAN:

Same to you, madam.

REP. LAVIELLE (143rd):

I have a few questions for the proponent of the bill for legislative intent.

SPEAKER SHARKEY:

Please proceed, madam.

REP. LAVIELLE (143rd):

Thank you very much. I wondered if there was some particular impetus for proposing this particular piece of legislation. Were there towns where historic buildings or properties were not being adequately protected by current statutes? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Yes, thank you, Mr. Speaker. I thank the Representative for her question. One town in particular, the Town of Simsbury, which had come forward, the reason being that they supported this legislation was that a town such as Simsbury, that lacks a local historic district has no organized

mechanism by which to identify and preserve the heritage of the community.

So various communities and municipalities throughout our state that at this point in time do not have local historic districts identified, have no such mechanism to protect particular pieces of property, which is why this legislation has come before us. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you. And therefore, Simsbury for example, the properties there were not able to make application for the State Registry of Historic Properties?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Thank you, Mr. Speaker. Currently there are no regulations in place that would allow particular buildings on the State and National Historic Registry to be protected.

So the towns, in fact, such as Simsbury, even though many of the measures advocated in this

legislation may not be available to that municipality, to expect a town council or town attorney to cobble them all together in a coherent fashion was thought to be a little too much to expect.

The legislation before us will clarify and organize the statutes, will give towns the ability to identify, preserve and enhance unique and historic properties.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker. In the OLR Report, there is some background on something called a Certificate of Appropriateness that a municipality, under existing law can issue before an owner can demolish a historic property or change the appearance, and is there a difference between the establishment of a new ordinance under this law and what might be the refusal to issue that sort of Certificate of Appropriateness under current law?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Through you, Mr. Speaker, no.

SPEAKER SHARKEY:

Representative Lavielle.

REP. LAVIELLE (143rd):

I'm sorry, sir. If I understand the good gentleman properly, there is no difference between the municipality's ability now with the Certificate of Appropriateness to prevent this kind of demolition, et cetera and what might be available to the municipalities under the new legislation? I think it might be that the Representative didn't, that I didn't express myself well enough.

Is there no difference between what we have now under existing law with the Certificate of Appropriateness and what might be available to municipalities under the new legislation? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Through you, Mr. Speaker, I may be misunderstanding the Representative's question. Can she just briefly clarify? Through you, Mr. Speaker.

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SPEAKER SHARKEY:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you. I think that might be the case. There is something described in the OLR Report called a Certificate of Appropriateness, which as I understand it, must be issued by a municipality if someone wants to do damage or change a historic property or something that might be deemed historic later on.

So a refusal to issue that Certificate would prevent them from doing it.

Is there any difference between the impact of refusing to issue one of those Certificates of Appropriateness and what a municipality might accomplish under a new ordinance enabled by this proposed legislation?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Thank you, Mr. Speaker. Yes, and I thank the Representative for clarifying her question.

The Certificate of Appropriateness and the language to which she refers in the OLR Report involves municipalities that have current historic districts in place, and so I think that might be the clarification that the Representative is seeking. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker. It is helpful and I thank the Representative and I'm glad we clarified that.

Another, in the relevant portion of the bill, the underlying part that changes and has the main part of what we're discussing here, 23 to 26, Lines 23 to 26, there is a reference to properties or districts that are listed on or are under consideration for listing on.

So does under consideration mean that people are just thinking about it, or does it mean that a formal application process has begun, that an application has been submitted? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Thank you, Mr. Speaker. And I thank the Representative for the question. The phrase under consideration for listing comes from the Connecticut Environmental Protection Act. It's been interpreted by Connecticut courts that to mean that the property has been designated for study by the State Historic Preservation Officer. As such, that property is in the process. The owner has submitted that property for inclusion on the list and they're currently in the process of being determined whether or not it qualifies. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you. And therefore, that application process, is that always initiated by the property owner or may it be initiated by the municipality? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Through you, Mr. Speaker, that process is initiated by the property owner. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker. I think that, and I thank the good Representative for his answers to all this. I understand that it's enabling legislation and I think that the designation of our historic properties and the preservation of them is really essential to one of the things that we have in Connecticut that hasn't been affected by, or not at its root, affected by changes in our economy, our composition, things that have happened to us over the past few years.

It's really an essential part of the character of our state. We have a great deal of natural beauty and we also have some very fine historic buildings and architecture that really make the quality of life here different from most of the other places in the United States where one might live.

And so I think this is a good piece of legislation and I hope that it will help our cities

and towns preserve the character of their communities and will help them do that without a lot of administrative paperwork and other things that could be very cumbersome.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, madam. Do you care to remark further on the bill that's before us? Representative LeGeyt of the 17th.

REP. LEGEYT (17th):

Thank you, Mr. Speaker. I'm interested in this bill from the standpoint of how the recognition as a property on the National Register of Historic Places and the State Register of Historic Places dovetails with the statutory authority that municipalities have to enact and identify historic districts in their towns and cities.

I recognize that the statutory reference that we're making here for properties in the National Register and State Register is not directly in the statutes for the historic district creation and so forth, but it is right next door to it, and so there are some similarities, more so than simply the fact

that they're all part of the municipal powers  
statutory area.

But with regard to historic districts and the  
National Register designation, which are both deemed  
to be and part of our recognition of those properties  
that are long standing and have some significance from  
historical perspective.

I'm wondering about the overlap that occurs when  
a property is within a historic district, either  
proposed or in force and also the same property is a  
candidate for inclusion on the National or State  
Historic Register.

So through you, Mr. Speaker, my first question  
has to do with the overlap and wondering if the  
overlap occurs, which statute takes precedence?  
Through you.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Yes, thank you, Mr. Speaker. And through you to  
the fine Representative, this legislation before us  
does not pertain to or affect communities or  
municipalities that already have historic districts in

place, so I'm not sure if that brings clarity to the Representative or not.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker. And why is that?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

This legislation is directed toward municipalities. If a municipality already has a historic district or village created, this type of legislation would in a sense be unnecessary for that particular legislation. They already have the means by which they can identify and I guess identify and protect historic pieces of district, historic pieces of property. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker. I appreciate that answer. Certainly a historic district is more geared

toward a district. In other words, a collection of properties and the National Register is for specific properties, but there could be situations where the specific property that's deemed or intended for inclusion on the National Register or State Register is also part of a group of properties that are proposed for a historic district.

And I'm just wondering in that case, which authority controls? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Through you, Mr. Speaker, I believe in that situation that's presented by the Representative, the determination would be made at the municipal level.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker. I know from my personal experience, having been a chairman of a historic district commission in my town, we had some interaction with the National Register of Historic Places and there were some concerns put forward by the

National Register people about incorporating properties that were not contiguous to other historic district or other National Register properties.

Is it the understanding of the Representative in this bill that that concern about contiguous properties is not a part of this legislation? In other words, that a singular property existing by itself could be designated as a national historic place? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Through you, Mr. Speaker, and I believe if I understand the Representative's question correctly, my answer would be yes. Properties affected by this legislation would be properties identified and getting back to the phrase, under consideration of identified by the owner of that particular piece of property.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker. And therefore, once designated, these properties would be under the same

regulatory scheme as a property in a local historic district. Is that correct? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (148th):

Through you, Mr. Speaker, yes.

SPEAKER SHARKEY:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Mr. Speaker. I know that in the statutory regulations for historic districts, that the reference to Certificate of Appropriateness, which Representative Lavielle referred to, is the standard bearer, so to speak, of what requires admission into a historic district and also what is required for making any changes thereto.

So if the properties that are deemed to be on the National Register are then once accepted to come under the scheme of regulatory authority, that the historic districts come under, then I assume that there is a process whereby once the property is accepted on the National Register, it would then have to comply with the state regulatory scheme for historic districts, which has to do with applying for and receiving a

Certificate of Appropriateness for any exterior alterations to that property.

Is that the understanding that I can take from this legislation? Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker, yes.

DEPUTY SPEAKER MILLER:

Representative LeGeyt, you still have the Floor, sir.

REP. LEGEYT (17th):

Thank you, Madam Speaker. Good to see you up there, Madam Speaker.

DEPUTY SPEAKER MILLER:

Thank you, sir.

REP. LEGEYT (17th):

In that regard, would the regulatory scheme that historic districts are empowered to apply, is that part of the, is that part of the consideration for including the property in a, as a, on the National Register of Historic Places and if not, what is the criteria that are used to designate a property on the

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National Register of Historic Places? Through you,  
Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker, to answer the  
Representative's question, which I believe concerns  
the criteria for properties that are ultimately listed  
on the National Register of Historic Places, the  
National Register of Historic Places includes  
districts, sites, buildings, structures, objects that  
are significant to American history, architecture,  
archaeology, engineering and culture. Through you,  
Mr. Speaker.

DEPUTY SPEAKER MILLER:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Madam Speaker. Is it the good  
Representative's understanding that there is some  
timeframe or length of time that a structure, a  
building has been in existence for it to be considered  
as a threshold consideration for inclusion on the  
National Register of Historic Places? Through you,  
Madam Speaker.

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DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker, it is my understanding that timing is a factor, but is one of several factors that come into play when determining a national, when determining whether a property should be considered for the National Register of Historic Places. Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Madam Speaker. Would the good Representative know, with regard to time, whether or not the property has to be 25 years, structures on the property have to be 25 years old, 50, 75, 100, what is the threshold? Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker, I don't know. I'm not aware of the specific timeframe to which the Representative is referring. Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Madam Speaker. With regard to the overlap between National Register properties and the local historic district properties, once approved and accepted as a property on the National Register of Historic Places, and yet also included in a local historic district, with regard to the ordinances and requirements that are put on the whole district by the local municipality and understanding that those ordinances and statutes thereto would also be applicable to the National Register of Historic Places property, would a property owner of a National Register of Historic Places property have to come before the local historic district commission to make changes to his or her property now designated such? Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker, properties that have been listed on the National Register of Historic

Places are automatically listed on the State Register of Historic Places. Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Madam Speaker, and I recognize the benefit that that confers and the recognition that it allows for a particular property and we want to maintain our heritage and our history certainly as a state, but also in any other state that this process takes place.

But there comes some consequences with recognition as a National Register of Historic Places property, and I'm asking in the context only of the historic district ordinance and statutes in Connecticut.

If an owner of a National Register of Historic Places property wants to change the structures on that property, what are the guidelines? What are the restrictions? What are the regulations that apply?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Yes, through you, Madam Speaker. The inclusion on the Register of Historic Places does not restrict the rights of private owners in the use or development of private historic property.

The guidelines, as an example, if a piece of property is included on the listing, they are particular areas within, it allows for special consideration under state building and fire codes for historic properties. They are categorized in certain aspects differently, understanding that the property is identified as a historic parcel.

There's obviously the desire to maintain certain aspects of that building, which will allow for some exemptions under the state building code.

Through you, Mr. Speaker.

DEPUTY SPEAKER MILLER:

Representative LeGeyt, you still have the Floor, sir.

REP. LEGEYT (17th):

Thank you, Madam Speaker. With regard to that process whereby a property that's on the National Register of Historic Places comes under the scrutiny and control and authority of the local historic district commission, I'm reading in the bill, and this

is Section, subdivision 10 of Section, Subsection c of Section 7-148 of the General Statutes, talks about making all lawful regulations and ordinances in furtherance of the general powers and prescribed penalties for the violation of the same, and the National Register of Historic Places is listed as Sub f under that Section 10.

That would suggest that there are requirements that need to be met as a result of ordinances and perhaps statutes governing the National Register of Historic Places property, and there are even fines set out for the violation of same.

And so I'm wondering if those requirements and regulations are those of the local historic district or even if there is not a historic district, if this section makes applicable those requirements and regulations that the historic district commission is empowered to promulgate and enforce with respect now to properties on the National Register of Historic Places. Is that the case?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker. I thank the Representative for his question. Any such activities as described by the Representative would be presented by, identified by and put in place by the local municipality.

So to refer back to the section of the statute to which the Representative refers, regulations and ordinances may be enforced by citations issued by designated municipal officers or employees provided the regulations and ordinances have been designated specifically by the municipality for enforcement by citation.

Through you, Mr. Speaker.

DEPUTY SPEAKER MILLER:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Madam Speaker. And therefore, if the National Register of Historic Places decides to incorporate and accept and identify a particular historic place in one of our towns or cities, then the administrative and regulatory process for that property does not come from or through the National Register of Historic Places but is the authority of the local ordinances that have to do with historic

places such as the state statute that covers the historic district process.

And is it the understanding of the Representative that that is, that the authority for regulation of the National Register of Historic Places property would defer to the local municipality and if a historic district exists in that municipality, that those ordinances and regulations for the historic district would be incorporated as the regulatory scheme for a property that's on the National Register of Historic Places in that municipality?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker, it's my understanding if a piece of property identified as a national historic place there are standards by which that property is to be maintained, and preserved and protected and identified. The language to which the Representative makes reference to, Subdivision 10 of Subsection c of Section 7-148 of the Connecticut General Statutes I believe is more properly directed toward actions taken by potentially, this legislation,

actions taken by potentially village districts created at the municipal level and is geared more toward the properties identified by potentially this piece of legislation or a historic village.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative LeGeyt, you still have the Floor, sir.

REP. LEGEYT (17th):

Thank you, Madam Speaker. And does the Representative by referencing historic village mean or assume that that include historic districts? Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Yes, through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative LeGeyt.

REP. LEGEYT (17th):

I ask that question and those several questions because by incorporating the authority to regulate and control a property that's on the National Register of Historic Places through the local ordinance process

and state statute process that governs historic districts, there are some criteria and responsibilities and limits involved with regard to what a property owner can do with that property, and also a fine structure that is the same as what's referenced in Section 10 here, violation of those regulations or ordinances not to exceed \$250.

I know with the historic district ordinances, which are one section previous to the section that's referenced here, 7-147, that the same fine is to be levied for any property owner who does not comply with the orders of the historic district or the regulations and ordinances put in place for the historic district in that municipality, that fine being \$250.

But it doesn't reference anything in this section about whether that penalty of \$250 is a one-time penalty or does it continue until the violation, whatever that violation is, is rectified. Would the Representative know whether it's a one-time penalty or whether it continues until it's remediated? Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker, I don't know. Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you. For purposes of legislative intent, I would offer that that's a weakness in the statute here, that there's no definitive nature about how that violation is to be applied, but I will say that in the historic district statutes, the same \$250 is per day.

So I would offer for purposes of legislative intent, that perhaps the assumption is that, even though it doesn't say so here, this particular section is silent on it, that the \$250 is probably intended to be a penalty for a violation for every day that the violation exists until it is corrected, remediated, removed, changed back to a more acceptable form and that's absolutely appropriate because if someone had to suffer a one-time \$250 penalty for changing something on their property that was against ordinance or regulation or statute, then that would be a pretty low level penalty.

There's also, there's also a reference in the historic district statutes that that \$250 penalty is

for a willful violation. Would the good Representative know if there's any reference here or elsewhere that would tie this penalty to a willful violation as opposed to a violation that occurred by accident, unintended or without knowledge?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker, and through you. This particular language included within Section a of the statute, does not make particular reference as to whether or not the violation is willful or not willful.

It instead, makes reference to penalties for the violation of the statute. It makes no particular reference as to whether or not such violation is willful or not.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Madam Speaker. I appreciate the answer.

A historic district is the regulatory scheme for enacting a historic district and the inclusion of properties in a historic district has several criteria, and I know that two of those criteria are that there has to be some contiguous nature to the properties of an historic district.

And the other is that, as the good Representative referred to a few minutes ago there must be a two-thirds favorable vote by all the property owners that are proposed to be included and that's a good portion of the law, because a simple majority would not, considering the regulatory scheme that's being imposed on property owners in a historic district, we need a super majority to do that.

However, we now find that historic places that are proposed for inclusion on the National Register of Historic Places can be included singly and if included as more than one, each property is separately included. There's no requirement for a super majority and this is a totally preferential and permissive part of the law, that if a property owner lives in a very historic house that he or she doesn't have to accept inclusion on the National Register of Historic Places.

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Am I correct in all those understandings? Through  
you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (17th):

Through you, Madam Speaker, yes.

DEPUTY SPEAKER MILLER:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Madam Speaker. I appreciate that. I  
see a bit of a rub occurring here because if a  
property owner is asked to consider including his or  
her property in the National Register of Historic  
Places and then finds out that it's going to be  
governed by the ordinances and statutes of the  
historic district language, that property is going to  
suffer some strong and restrictive conditions that the  
property owner may have to work through if there is a  
historic district in that municipality.

If there isn't a historic district in that  
municipality, then the property owner may simply have  
the benefit of having their property included and  
whatever benefits that provides for value and such,  
but it seems as if there's a discrepancy and an

unfair, unequal treatment of properties in a municipality that does not have a historic district versus towns that do in accepting a property on the National Register of Historic Places as regards the restrictions and requirements and conditions that follow inclusion thereto.

Is that the understanding of the Representative?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker, without having, without requesting the Representative to go back to the most recent statement, I was hoping he could perhaps clarify the question. Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative LeGeyt, would you respond, sir?

REP. LEGEYT (17th):

I'd be glad to, Madam Speaker. Municipality A has a property that's considered available and qualifies for inclusion on the National Register of Historic Places.

Municipality B has another property that is so situated and similarly historic such that it's being considered for inclusion on the National Register of Historic Places.

Municipality B also has a historic district in it and by the Representative's admission a few minutes ago that in Municipality B, since there's a historic district, the property for the National Register of Historic Places in Municipality B would have to suffer and be included under all the regulations and requirements and restrictions and covenants and conditions that the properties in the historic district in that town are under.

Whereby the historic property in Municipality A that doesn't have a historic district commission would not, and that seems to be an unequal application of the, this statute regarding historic properties for inclusion on the National Register of Historic Places.

Would the Representative agree that that's the case?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Yes, thank you, Madam Speaker, and to answer the Representative's question. If a municipality has a village district, for instance, the village district was created by a vote of two-thirds of the property owners contained within that district.

So I presume there is the possibility that a particular property owner contained within that district may not have voted in favor of creating that actual district. However, two-thirds of the property owners that voted approved the creation of the village district, then my understanding is that all properties contained therein are subject to the restrictions or consequences and/or benefits of being established in being a historic district.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Madam Speaker. I'm more specifically talking about disparate or unequal treatment of properties and therefore property owners, depending on whether a town has a village district or historic district in it because from what I'm hearing, if the property is in a municipality where there is a

historic district, then the National Register property, once accepted would come under the regulatory scheme for the historic district.

But in a town that doesn't have a historic district, the property that's accepted for the National Register of Historic Places won't fall under that regulatory scheme because there's no historic district in that municipality.

Is that the understanding of the Representative?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Through you, Madam Speaker, yes, I believe it is, and the intent and direction of this piece of legislation is to assist municipalities to preserve and protect historic properties and provide municipalities the option, at their own doing, to do so should they so choose.

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative LeGeyt, you still have the Floor, sir.

REP. LEGEYT (17th):

Thank you, Madam Speaker. I appreciate that and I thank the Representative for his answer.

I'm simply trying to determine to what degree the preservation authority of a municipality can come to bear on a property that is included in the National Register of Historic Places.

Any property that is so included can certainly, over time, be transferred and a new owner might not care to maintain it in its historic form, might choose to do any number of things that would compromise the historic nature of that property or the structures thereon.

And if this regulatory, if this statutory change is intended to confer some protective rights in the municipality as regards a property on the National Register of Historic Places, I'm more comfortable than the situation that seems to be the case that a property so designated would only be under those regulations if the municipality had a historic district in place, or if the municipality chose to enact ordinances for the regulation and protection and restrictions on a property for the National Register without any other statutes or ordinances in place to cover it.

One of the overriding concerns about properties in our state and certainly in our nation that are historic, deemed historic, of whatever, however long they've been in existence, there are so many considerations that come to bear versus style of architecture, history of use, local importance and importance to the development and even to the, becoming a nation for us, that need to be protected in my opinion.

I'm completely in favor of what this proposed law covers and would try to accomplish. But I have concerns that persons who own those properties may not be fully apprised of the regulatory scheme that they are going to be under if they accept designation when in the town next door by virtue of the fact that there's no historic district there, they would simply gain the pleasure of knowing that their property was on the Historic District National Register and perhaps in those towns where there was no historic district, the municipality would have to act to develop some ordinances along the same lines as a historic district might regulate so that those properties on the National Register would enjoy some protection.

One of the concerns about having a property on the National Register or in a historic district is that the property owner gives up rights in favor of the designation as a building of historic importance and that's why two-thirds majority is needed to make that happen.

But in this case, we have people who are totally at their own pleasure to decide yes, they want their property in, or no, they don't want their property in, but I'm concerned that they might not be fully apprised of the potential regulatory scheme that would come to bear on them owning that property and certainly if there's no historic district in the town, then a subsequent owner might be, I wouldn't say deceived, but confused about what would happen to his or her property.

And I'm remembering a question from a prior colleague about whether or not someone can opt out of a National Register designation. Is that possible?

Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Fox.

REP. FOX (148th):

Thank you, Madam Speaker, and I'm not entirely certain as to whether or not an individual, if the property is identified as a national historic, if the property is included on the National Historic Register of Properties, to the fine Representative, I'm not entirely certain as to whether that determination is made, once the property is identified as such, whether or not the individual property owner can opt out of such classification or whether that classification carries on with the piece or property for the duration. Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative LeGeyt.

REP. LEGEYT (17th):

Thank you, Madam Speaker. And in the case where the property once designated on the National Register of Historic Places can't be removed, that would be an additional consideration to someone who might opt in.

I thank the Representative for his answers, appreciate the back and forth and thank you, Madam Speaker, for your courtesies. Thank you.

DEPUTY SPEAKER MILLER:

Thank you. Will you remark further? Will you remark further on the bill before us? Will you remark further?

Representative Sawyer. Will you remark further? Will you remark further on the bill before us?

If not, will the staff and guests please come to the Well of the House. Will the Members please take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call. Members to the Chamber, please.

The House of Representatives is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER MILLER:

Have all Members voted? Have all Members voted? Would the Members please check the board to determine if your vote is properly cast.

If all Members have voted, the machine will be locked and the Clerk will take a tally. Would the Clerk please announce the tally.

THE CLERK:

Yes, Madam Speaker. In concurrence with the Senate, Substitute Senate 960.

Total Number Voting 138

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|                             |     |
|-----------------------------|-----|
| Necessary for Passage       | 70  |
| Those voting Yea            | 138 |
| Those voting Nay            | 0   |
| Those absent and not voting | 12  |

DEPUTY SPEAKER MILLER:

The bill passes in concurrence with the Senate.

SPEAKER SHARKEY:

Will the Clerk please call Calendar Number 172.

THE CLERK:

Yes, Mr. Speaker, on Page 46, Calendar Number 172, Favorable Report of the Joint Standing Committee on Judiciary, Substitute House Bill Number 6527 AN ACT CONCERNING GENETICALLY ENGINEERED BABY FOOD.

SPEAKER SHARKEY:

Representative Urban, the distinguished Chair of the Children's Committee.

REP. URBAN (43rd):

Thank you, Mr. Speaker. Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

SPEAKER SHARKEY:

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
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SENATOR BYE:

Thank you, Madam President.

I ask if there's no objection that this be moved to  
Consent.

THE CHAIR:

Seeing no objection, so ordered, ma'am.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would call next from  
Calendar Page 13, Calendar 411, Substitute for Senate  
Bill Number 960.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 13, Calendar 411, Substitute for Senate Bill  
Number 960, AN ACT AUTHORIZING MUNICIPALITIES TO  
PROTECT HISTORIC PROPERTIES AND DISTRICTS, Favorable  
Report of the Committee on Planning and Development.

THE CHAIR:

Good evening. Senator Cassano.

SENATOR CASSANO:

Good evening, Madam President.

I move acceptance of the Joint Favorable committee  
report and move passage of the bill.

THE CHAIR:

The motion is on acceptance and passage. Will you  
remark, sir?

SENATOR CASSANO:

Yes. This is an act -- the title is a little confusing -- authorizing municipalities to protect historic properties in district, when it really is clarifying. Some of you saw my predecessor here a few days ago, up lobbying for this bill. This is a bill that means a lot to the historians and to Mary Ann. It makes, it makes it clear that towns have the power to, to protect the historic and the architectural characteristic of districts and properties that are listed either under the national or the state register of historic places.

The powers already exist for these towns. Hartford and New Britain have passed historic preservation ordinances using these and have done well to protect their properties. And the act simply makes it completely clear that the adoption of ordinances, such as these, are within the powers of municipalities.

The bill does not conflict with local historic district and properties' act. Senate 960 covers both historic districts and individual historic properties, and that pretty much is a summary of the bill.

It was passed 19 to nothing in committee, and I would urge adoption of the bill.

THE CHAIR:

Will you remark further? Will you remark further?

Senator -- Senator Welch --

SENATOR CASSANO:

We're doing --

THE CHAIR:

-- first.

SENATOR CASSANO:

-- you a pass.

SENATOR WELCH:

Thank you, Madam President; I appreciate it.

And thank you, Senator Cassano for bringing this bill forward.

I -- I guess I'm a little confused by the introduction that he laid out, and I'm hoping maybe you can shed a little clarity on it for me.

As I -- I thought I heard you say that the powers to protect historic or architectural characteristics already exist within the municipalities. Is that an accurate --

SENATOR CASSANO:

That's correct.

SENATOR WELCH:

-- statement?

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

Thank you, Senator Cassano.

And so then I guess I'm a little confused as to why. What -- what is the power or what is the import of -- of Lines 23 through 26?

And -- and maybe there's a story or maybe there's something that happened that brought this bill to light that I'm -- I'm not aware of, and so through you, Madam President, is there a particular event that gave rise to the legislation that's before us?

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Thank you, Madam President.

Through you.

What has happened is only two towns have proceeded, and it's -- it's one of these things that people have been confused. There's a -- a practical difference between a district created by a town under the local historic and properties act, and then -- which requires a two-thirds vote of the property owners. That's not the same for this bill; it's totally different, and so there's confusion over what the bills do and how you can create the historic district.

And so people have shied away from protecting the properties, and that's the key, is try to protect these. If you're under the National Historic Preservation Act, as an example, they are, the restrictions are far greater, particularly when it comes to demolition, moving of a home, repairs, particularly external repairs of a home, even to painting or color or anything -- anything like that. And so that's been the real key factor, and so the Historical Society wanted people to recognize that difference; they're not the same.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

So then -- then it would be, I guess an accurate statement of Lines 23 through 26 is that they are, essentially a reminder to the municipalities that this is something that they can do?

Through you, Madam President.

SENATOR CASSANO:

That's correct.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Yes, that is correct.

SENATOR WELCH:

Okay; thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator LeBeau.

SENATOR LeBEAU:

Thank you, Madam President. Good evening.

THE CHAIR:

Good evening, sir.

SENATOR LeBEAU:

I just want to stand in support of the bill and to thank Senator Cassano for bringing this forward.

I think it's an important bill in lessening the confusion between these two different types of historic districts, and I think it's important as I think everybody -- everybody knows I'm a fan of history and particularly of Connecticut's history and thinking what -- what tends to -- what makes Connecticut unique is our history. And there's no greater manifestation of that than the buildings and the residences that we have on the historic districts that -- that go back, either from anywhere from fifty years to a hundred years to a hundred-and-fifty years or two hundred years that -- that show that we have a

unique history in Connecticut that is -- is manifested and is a -- a beautiful history that we should be proud of.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

Madam President, a couple of questions to the proponent, through you, please.

THE CHAIR:

Please proceed, sir.

SENATOR CHAPIN:

Thank you, Madam President.

I recently was contacted about historic properties and their impact on the NEPA process when a municipality was trying to acquire an FCC license through the installation of some radio towers, not cell towers but specifically for public safety. And it appears that the State Historic Preservation Office plays a role in the NEPA process through that licensing and they base a recommendation on whether that tower may be able to be seen from a historic property on the national or state register.

In the event that a municipality were to adopt an ordinance in advance of a building being placed on one of those registers, can the proponent tell me whether he is aware that a similar requirement would occur where the State Historic Preservation Office would then play a role on this newly identified property?

Through you, Madam President.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Well, it is regulatory in nature, I -- through you;  
I'm sorry, Madam Chair.

THE CHAIR:

Senator Chapin, would you repeat the rest of your  
question, sir?

SENATOR CHAPIN:

Thank you, Madam President.

Right now the State Historic Preservation Office makes  
recommendations for licensure with the federal  
government, and they do so by looking at the impact on  
historic properties that are either on the national  
registry or the state registry. If a municipality  
were to -- to adopt this ordinance and identify a  
property that was on neither the state nor the federal  
registry, can the gentleman tell me whether or not the  
State Historic Preservation Office would then consider  
the impact on this building that would be placed on  
this list through the ordinance?

Through you, Madam President.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Yes; thank you, Madam President.

No, in that case because it's not part of the state  
and its authority to -- to govern it, it shouldn't be  
impacted.

We had a similar case like that when I was mayor in Manchester, in fact, on a, not for a tower but for a development. And but it was a, it was listed under the national historic district and it basically came down to a 90-day waiting period and a lot of, lot of noise, but it was resolved.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

I -- I understand the -- the question was kind of out of left field and I -- I'm appreciative that the gentleman had personal experience, and I even more greatly appreciate his answer.

Thank you, Madam President.

SENATOR CASSANO:

Thank you.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Cassano.

SENATOR CASSANO:

Seeing none, I'd asked to be placed on a Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if we might now move to a vote on today's Consent Calendar; if the Clerk would read the items and then call for a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On today's Consent Calendar, Page 1, Calendar Number 595, House Joint Resolution Number 103.

On Page 2, Calendar Number 596, House Joint Resolution Number 104; also on Page 2, Calendar Number 597, House Joint Resolution Number 105.

On Calendar Page 4, Number 160, Senate Bill 232.

On Page 7, Calendar Number 273, Senate Bill 1093.

On Page 12, Calendar Number 379, Senate Bill 1139.

On Page 13, Calendar Number 411, Senate Bill 960.

And on Page 39, Calendar Number 164, Senate Bill 326.

THE CHAIR:

Thank you.

At this time the machine will be open. Please call for a roll call vote on the Consent Calendar.

Thank you.

THE CLERK:

An immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar.

THE CHAIR:

Senator Crisco. Senator Crisco.

Thank you.

If all members voted; all members have voted? The machine will be closed.

Mr. Clerk, will you please call the -- the tally.

THE CLERK:

On the Consent Calendar.

|                    |    |
|--------------------|----|
| Total Voting       | 36 |
| Those voting Yea   | 36 |
| Those voting Nay   | 0  |
| Absent, not voting | 0  |

THE CHAIR: .

Consent Calendar passes.

At this point, I'd ask for a -- any points of personal privilege. Any points of personal privilege at this time?

Senator Looney.

SENATOR LOONEY:

Yes; thank you, Madam President.

For one point of a personal privilege.

THE CHAIR:

Please proceed, sir.

SENATOR LOONEY:

Yes; thank you, Madam President.

Madam President, I wanted to offer congratulations to our -- our chief caucus counsel, Joe Quinn, whose son Conor was married over the weekend, his -- his new

**JOINT  
STANDING  
COMMITTEE  
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legislation and -- which I was happy to do by the way. I think blight is an issue, not only in this community, perhaps, but all of our communities. So, it's great that if we could do something to prevent it.

My question for you is just looking at the bill quickly; it looks like the only real change is to give the powers for commercial properties versus just housing. Is that accurate?

MAYOR LECLERC: Absolutely. It's just been a language change that really adds another tool in our toolbox.

REP. SMITH: All right. Thank you very much.

MAYOR LECLERC: Thank you.

REP. ROJAS: Are there any other questions? If not, thank you, Mayor, for being here.

MAYOR LECLERC: Thank you.

REP. ROJAS: We had two more members join us. I'll have them briefly introduce us. Immediately to my right who had a long drive to get here.

REP. AMAN: Representative Bill Aman representing the South Windsor area and ranking member on the Committee.

REP. FLEXER: Good evening, my name is Mae Flexer. I'm the State Representative for Killingly and Plainfield.

REP. ROJAS: All right. Thank you.

Mary Ann Hanley.

MARY ANN HANLEY: Good evening, it's nice to see you

JB 960

all. And I'm happy to be here again to say a few words about Senate Bill 960.

I think the first thing that I'd like to say is that it's -- it should be clear that 960 does not really give any additional authority to town governments. It merely is an enabling act for the towns that defines more clearly the authority that they might have.

I'd like to begin just by talking about a talk I gave yesterday in Manchester at the historical society about the 8th District in Manchester which before 1960 and Joe Diminico's family comes from there as mine did. That was characterized by this very handsome collection of buildings around an old railroad station. In the enthusiasm of reconstruction and urban renewal in the early 1960's, the whole thing was torn down. All these lovely old buildings and the whole square that's surrounded that center of the buildings was gone.

Yesterday, in talking about the district, I was reminded again and those who were there were reminded again of what a great loss it was. This lovely square could have become a wonderful community again with the railroad station, with parking available, with some gorgeous buildings, and a wonderful opportunity for true urban renewal. And what this bill that 960 represents is essentially to give or to assert to towns if they so desire. That they have the opportunity to question this kind of destruction and removal of historic and important buildings in their town.

I think it's important that as we go forward that we recognize that neighborhoods and communities can be enriched so much by having as a main sale a building or collection of buildings of great --

of significance and of charm. And what this piece of legislation can do is help to make sure that those -- that those buildings are not destroyed without due process and proper care.

So, I encourage you to take a look at this bill and to see to it that it is -- that you pass it out of the Committee. As I said, it doesn't add any authority. It's an enabling act. It adds no authority to the towns. It simply encourages and defines more clearly the authority that they could have.

REP. ROJAS: Thank you for your testimony. One of the questions that was brought to my attention was what was the difference between a historic district commission versus a historic preservation district?

MARY ANN HANLEY: There are two things. One, a historic district commission is really created by the people in the district. They have to vote for it. This piece of legislation really deals with individual buildings or small collections of buildings that are not necessarily in a historic district. Historic districts tend to be rather large including several streets and sometimes hundreds of building. This would simply identify those buildings which are already on the register, The National Register or the State Register as being -- as being protected, at least, given the town would have the opportunity to decide to protect it.

REP. ROJAS: Are there any other questions?

Representative Kokoruda.

REP. KOKORUDA: Thank you. Let me just ask you, towns can do this right now, right?

MARY ANN HANLEY: Yeah.

REP. KOKORUDA: So, what this really does because the towns, I mean, the buildings that are under some sort of National Register --

MARY ANN HANLEY: Yeah, yeah.

REP. KOKORUDA: -- I would assume towns are -- would be watching those closely. So, what does this add to a town's efforts?

MARY ANN HANLEY: It simply collates and codifies the ability that the town already -- towns can already do this. But this just simply codifies it and gives them, perhaps, the encouragement to do it in a systematic way providing a body of people who are concerned with these issues and creating a kind of definition of what they might want to do.

REP. KOKORUDA: Okay, thank you.

REP. ROJAS: Representative Aman.

REP. AMAN: Yes.

MARY ANN HANLEY: Hey, Bill.

REP. AMAN: Hi, welcome. If reading through the bill, this only affects buildings that are currently on the National Historic Registry?

MARY ANN HANLEY: On the National Register or the State Register.

REP. AMAN: Okay. And, so, if a building is not on one of those two registries now, they would not be impacted by this bill?

MARY ANN HANLEY: By this bill. The town could still

choose, I suppose, if they felt it was an important enough building to use their own legal rights. I don't -- I can't say about -- I'm not a lawyer, so, I'm not sure.

REP. AMAN: Okay. That is probably one of my concerns about it. How does a building -- it was my understanding that they get on any of these two registries, the owner of the property applies and goes through a process to explain why their building justifies being on there. From what you just -- and then I have no problem if you've gone to that much effort to get it on even if the title is transferred, the people know that there's a lot of restrictions on the building.

I think I have more of a problem when you said that a town could say to the owner of what you believe is a historic building. But I happen to own it and I think it isn't that I have to keep it in historic mode.

MARY ANN HANLEY: I may have misspoke, Bill. I don't know about houses that aren't on the registry. I know that if an owner in the National Register, if an owner objects to being put on the register, then the building is not put on. And I may have misspoken if I said that the town has the right to deal with any building in -- that it feels is important. I don't know that.

REP. AMAN: Okay.

MARY ANN HANLEY: The bill, precisely, defines the buildings to be looked at as on the National Register or the State Registry.

REP. AMAN: I'll also ask how much of a problem has this really been? The owners I know who have their homes on one of these registries --

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MARY ANN HANLEY: They're thrilled.

REP. AMAN: -- are so proud of it --

MARY ANN HANLEY: Yeah, I know, yeah.

REP. AMAN: -- that they're not going to change anything. So, that's why I kind of backed into what you're really talking about is the owner of a historic building that doesn't want to preserve it and doesn't want it to be on the registry.

MARY ANN HANLEY: It's not necessarily that they don't want to preserve it. They've chosen not to be on the registry. And there are any number of reasons why an owner might prefer not to. Sometimes it's a business operation as opposed to an individual householder.

REP. AMAN: And have you seen buildings that are part of the National Registry or would fit these qualifications that have been torn down or destroyed?

MARY ANN HANLEY: Well, certainly, the 8th District in Manchester would have -- I mean, Depot Square, if we had moved fast enough, would have been on the National Register and it got torn down. There's no question about that.

REP. AMAN: Was that one building or --

MARY ANN HANLEY: No, it was a collection of buildings around a square.

REP. AMAN: Okay. And what would have happened to an owner of one of those buildings around the square if they did not want to be a member?

MARY ANN HANLEY: He would object and not be included as I understand it.

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REP. AMAN: My fear or concern is the very building that you wanted to preserve because the other ones -- the people would want to do it anyhow is not -- opts out and ---

MARY ANN HANLEY: Yeah.

REP. AMAN: -- and that's where the conflict is.

MARY ANN HANLEY: In a district, what is it 50 percent, 51 percent? 51 percent of the owners within a district have to agree to putting the entire district on the register. It's somewhat like a national -- a local historic district where the majority of property owners have to agree to it.

REP. AMAN: Yeah. And how has this worked out in other areas of the country or other areas of the state that have done it?

MARY ANN HANLEY: I can't say. I know that it's -- that several towns have begun to operate with these kinds of organizations. But this is designed, really, to look to the future to find more towns that might be interested in doing it.

REP. AMAN: Okay.

MARY ANN HANLEY: I would think East Windsor Hill, for example, would be very interested in something like this.

REP. AMAN: I don't think you could touch one of those homes if you wanted to.

MARY ANN HANLEY: I wouldn't want to touch them. I wouldn't want to touch them.

REP. AMAN: You might get lynched before you left the

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street.

MARY ANN HANLEY: You're probably right. No, I don't think anybody would touch them.

REP. AMAN: Okay, thank you very much for coming forward.

REP. ROJAS: Are there any other questions for the testifier?

Representative Sears.

REP. SEARS: Thank you, Mr. Chairman. So, you're saying, currently, municipalities have the authority to establish historic preservation commissions --

MARY ANN HANLEY: Yeah, yeah.

REP. SEARS: -- and they're regulatory and they have enforcement powers and all? This is simply clarifying?

MARY ANN HANLEY: Clarifying and coordinating, yeah, yeah.

REP. SEARS: Okay. Thank you.

MARY ANN HANLEY: There's really nothing new in here. It's just a restatement of what's already available to them.

REP. SEARS: Thank you.

REP. ROJAS: Any other questions? If not, thank you, Senator.

MARY ANN HANLEY: Thank you. Nice to see you all again.

rate requirement from the federal government. Some municipalities today give away Wi-Fi access in their buildings for people to access the internet. I don't foresee a future where a municipality is charging that for that service. But there's nothing that prevents nor, I believe, enables it differently than they currently have today.

REP. SMITH: So, we have this correspondence from AT&T which I was trying to read while you were talking, so, I apologize if I didn't hear everything you said. Here it talks about the -- these government-owned networks GONS, I guess, there's the acronym. Are you familiar with their position on this bill?

MARK RAYMOND: I believe I don't -- well, I don't have that correspondence. I believe I understand their position.

REP. SMITH: Well, I guess the points that they're making is that, you know, these -- for instances, they cite the Town of Groton as losing or now holding the bag for \$28 million in bonding expenses. Are you familiar with that?

MARK RAYMOND: No, I'm not.

REP. SMITH: All right. I'm sure the person who wrote this will come up and I'll ask him or her. Thank you.

REP. ROJAS: Are there other questions for Mr. Raymond? If not, thank you for your testimony.

We are now going to move onto the public list. And our first speaker will be Helen Higgins.

HELEN HIGGINS: Good evening, Senator Cassano, Representative Rojas, and members of the Planning

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and Development Committee. I'm following Senator Mary Ann Hanley's excellent testimony here in favor of Senate Bill 960, AN ACT AUTHORIZING THE ESTABLISHMENT OF HISTORIC PRESERVATION COMMISSIONS.

My name is Helen Higgins and I serve as Executive Director of the Connecticut Trust for Historic Preservation, a non-profit statewide preservation organization chartered by the Connecticut General Assembly in 1975. We are a statutory partner of the Office of Culture and Tourism.

Community character is what distinguishes each of our 169 towns and cities. Historic buildings are the visible expression of community character in residential neighborhoods and downtown centers. Senate Bill 960 addresses a critical gap in preservation protections in every community in Connecticut. Although there is enabling legislation for communities to enact ordinances that will create local historic districts and local historic properties, there is no specific language that enables a municipality to set up a commission to oversee all those thousands of historic buildings not covered by local historic districts.

In a study of local historic districts in Connecticut done in 2012, it was found that more than 75 percent of Connecticut's identified historic buildings and sites are not protected against demolition or major alteration. This enabling act will act in parallel to local historic districts where they exist or as the only preservation commission in the 91 towns and cities that do not have local historic districts.

There are approximately 128 local historic districts in 78 towns. There are 400 national registered districts in almost every city and

town. That's a big gap.

S.B. 960 will provide a needed additional tool for community planning. It encourages active reuse of our historic properties while being flexible of local needs. The 2012 study of historic properties concluded that those buildings designated as historic maintain higher property value than those not listed as historic.

Stabilized property values attract new residents, businesses, and tourists to our towns and cities. We need all the incentives, possible, to stimulate investment in our historic buildings rather than destroy them.

Implementation of the act is under local control. In addition, the act is revenue neutral. There is no cost to the state or the municipality.

REP. ROJAS: Continue on if you want or summarize.

HELEN HIGGINS: I'm done.

REP. ROJAS: Okay. Perfect timing then. Are there any questions?

Representative Vicino.

REP. VICINO: I had a question. You mentioned the words "registered and designated". How do you determine historical properties? Is it done by age or is it as you designate the specific area?

HELEN HIGGINS: The National Register of Historic Places is an honorific that the Department of the interior applies to specific buildings that have nominated to it locally. So, a local homeowner or people in a neighborhood might write a nomination asking that their area or building be put on the national register. And once on the

National Register, then they are designated historic.

REP. VICINO: It doesn't have anything to do with age?

HELEN HIGGINS: Well, it does. But then, again, the Phoenix Building, in downtown Hartford is on the National Register. And that's not 50 years or older. But most builders are 50 years or older to get on the National or State Register.

REP. VICINO: Thank you.

HELEN HIGGINS: But they have to have architectural significance or other historic significance in addition.

REP. VICINO: Thank you.

REP. ROJAS: Representative Diminico.

REP. DIMINICO: Thank you, Mr. Chairman. Just a quick question. Don't towns, some towns, have ordinances in regards to demolition of certain types of properties?

HELEN HIGGINS: Most towns have a delay of demolition ordinance. I don't know if that's what you're referring to. And that's, basically, creating a waiting period while, you know, if an entity wants to take down a building, you can put into play a delay of up to 180 days and allows for conversation about, perhaps, there's an alternative to demolition.

REP. DIMINICO: And that's as far as it goes then?

HELEN HIGGINS: Pretty much, yeah.

REP. DIMINICO: All right. Thank you.

REP. ROJAS: Representative Kokoruda.

REP. KOKORUDA: Yes, thank you for your testimony. As far as right now, does the state have any language when the work -- when towns are working with their plans of conservation and development about historic preservation? What guidance exists right today?

HELEN HIGGINS: Basically, the guidance is to invest and protect our historic resources. It, in fact, in the plan of conservation and development, it's only been in recent years that historic has entered the language. So, we're kind of an uphill battle here.

REP. KOKORUDA: You know, I attended a year ago a meeting on historic preservation in Gilford. And actually, I think, someone from the National Preservation of Trust came down or Connecticut.

HELEN HIGGINS: Yeah.

REP. KOKORUDA: I think it was national. And the whole idea of tourism in Connecticut that historic preservation is -- has to be, you know, when we think about tourism that has to be a major component for a state. So, I think it's important that the folks that are working on the local plans of development of conservation and development definitely address this.

HELEN HIGGINS: Well, I think what are idea is that this is something, again, they can have in their toolbox. And somebody, you know, people can say, well, look, you know, here's kind of a game plan of how we can address protecting our downtowns. I mean, we believe in addition to tourism that community character, as I said, really brings residence to a community. And we know in our cities -- and you'll hear more about that later -

- that when we start to invest in our kind of down trod in neighborhoods, we are revitalizing those neighborhoods.

REP. KOKORUDA: Thank you.

REP. ROJAS: Senator Cassano.

SENATOR CASSANO: Yes, thank you for coming tonight. Just one brief question. We talk about historic homes and so on. What's the age of a historic home?

HELEN HIGGINS: Well, it would be 50 years or older. So, with this building, I mean, I knew Doris Sussman back, you know, when this building was first dedicated. And this -- I don't know what the age, it's probably a 20's building. Is that about right? But this was designated historic. And then with Doris' efforts and other people in East Hartford, they've got tax credits and so on to restore this building.

SENATOR CASSANO: But I would agree, it was a good move. I remember the opening night here.

HELEN HIGGINS: Right.

SENATOR CASSANO: Right. But it was built in the 20's. Fifty years old, we have the same ordinance in Manchester, 50 years old. So, a house built in 1960 is a historic home.

HELEN HIGGINS: No, I think that the difference is anything that is historic is what is designated historic. In other words, has been nominated to a register and then is officially accepted as historic. Just because you're 50 years or older doesn't mean you're historic.

SENATOR CASSANO: All right. But for demolition

purposes, if you're using the "historic", then any home that is 50, at least, in our ordinance, unfortunately --

HELEN HIGGINS: Yeah.

SENATOR CASSANO: -- any home that is built in more than 50 years ago under demolition, purpose or anything else, you have to wait the 180 days. And I'm -- that's why I'm asking about what is this magic number because, I mean --

HELEN HIGGINS: Well, it's a federal definition.

SENATOR CASSANO: And it's still. Okay.

HELEN HIGGINS: Yes, it comes from the parks service.

SENATOR CASSANO: Okay. That's my answer.

HELEN HIGGINS: But many demolition delay ordinances have language beyond just 50 years. They say has to be recognized in a local historic inventory, has to be on the State Register. So, you happen to have a more broad kind of delay of demolition.

SENATOR CASSANO: Okay. Thank you. That's helpful.

HELEN HIGGINS: Yep.

REP. ROJAS: The members of the Committee who are 50 appreciate your comments about not being historic.

HELEN HIGGINS: I did want to say that.

REP. ROJAS: Yes, of course. And I'm sure everyone in the crowd as well, so.

Are there any other questions? Seeing none, thank you for your testimony.

Next up is the dynamic duo of Scott Shanley and Lyle Wray.

A VOICE: Are they tag teaming?

REP. ROJAS: It says together. I don't know.

You were listed as together on the paper here. So, that's why I called you up.

SCOTT SHANLEY: I'm Batman. Thank you all for having us tonight. I'm here to speak about S.B. 847, commission for technology advancement. I'm here as the general management of the Town of Manchester. And I also have worked with the Capital Region Council of Government for a couple of years working towards this effort.

I guess a couple of things I wanted to point out. In many ways, the horse is out of the barn. All arguments aside about whether or not the technology is current or not current. I believe it is current. But the fact is, the federal government has provided a grant which has provided this technology. And it is available to the vast majority of municipal function. That is to say with the local property taxpayer currently pays for. But there's a big chunk that it is not. And this bill would open up the governess of the Committee to allow for municipalities to be a part of this process.

We foresee it as the kind of thing that can revolutionize the provision of municipal services across the state. We do everything 169 times in Connecticut. And we believe that with the access of this particular broadband, we can do the kind of work with each other, municipal to municipal that we currently can't do and are not doing.

make sure it's operating properly.

WILLIAM HUTTMAN: Let me reassure you. Today every month the servicers and MERS have to reconcile the data on our system to the data that is on the servicing system. So, there is no more delay in making sure that all the information is correct. And then once a year, they have to have an independent review that shows that they're in compliance with MERS rules and regulations about what they have to do on a whole variety of things, even beyond the data system. So, as a part of the actions that we took to make sure that we're in compliance with the wishes of the regulators, we now have a much more comprehensive quality assurance program.

At the beginning of 2010, we had 50 employees. Now, we have 80 employees. And most of those employees were added to make sure that the problems that existed before don't happen any more.

REP. SMITH: Thank you.

REP. ROJAS: Any other questions? If not, thank you for your testimony.

WILLIAM HUTTMAN: Thank you for having me here tonight. Thank you.

REP. ROJAS: Anita Mielert followed by Stephan Hard.

ANITA MIELERT: Good evening, Senator Cassano, Representative Rojas, Senator Fassano, and Representative Aman and distinguished members of the Planning and Development Committee. My name is Anita Mielert and I am a former Selectman in Simsbury. And I am here as president of Connecticut Preservation Action.

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CPA is a non-profit organization which advocates for historic preservation on the state and national levels. Our members are primarily other organizations such as the Connecticut Trust and the Connecticut Main Street Program, Hartford Preservation Alliance, et cetera. CPA supports two proposals before you today; Senate Bill 960 and Senate Bill 1049.

Regarding Senate Bill 960, CPA supports the proposal which would permit municipalities to establish their own historic preservation commissions. As a former historic district commission chair, I understand there are many preservation activities available to those commissions who have a local historic district. Local historic districts commissions can accomplish a whole laundry list of proactive measures, advantageous to their towns.

However, a town that lacks a local historic district has no organized mechanism by which to identify and preserve the heritage of their committee. Even though many of the measures advocated in this legislation may now be available, to expect a Town Council or a town attorney to cobble them together in a coherent fashion is too much to expect.

This legislation will clarify and organize the statutes giving towns the ability to identify, preserve, and enhance unique and historic properties.

S.B. 960 is simply enabling. Under this legislation, each municipality would be permitted with the framework of this proposal to determine the measures that would be most advantageous to its own plan of conservation and development. It is an additional tool, one which does not require a local historic district to exist as a basis and

which, in turn, will allow applications for grants, tax credits, and other financial incentives available only to historic resources.

S.B. 960 would create an organized mechanism for historic preservation. A dedicated group of people concentrating on bringing more financial and legal resources to bear in saving our heritage.

Finally, in regards to S.B. 1049 which authorizes municipalities to regulate blighted commercial property, CPA supports the town's ability to control blight in all of the areas of the town. One of the most difficult problems we face in preservation community is demolition by neglect. By attacking blight overall, in commercial as well as housing stock, a town can intervene before any one situation becomes a crisis. Anti-blight campaigns in our larger cities and America have resulted in famous success stories such as in New York City which correlate with drops in crime rates and greater community pride.

I sincerely appreciate this opportunity to testify on these proposals. And I'd be glad to answer any questions at this time.

REP. ROJAS: Thank you for your testimony. Are there any questions for her? Seeing none, thank you.

Senator Cassano.

SENATOR CASSANO: Your last line I find intriguing. The blight bill is on there. And what we're going to be doing is working with small or large municipalities and so on. And trying to come up with some kind of a consistent definition of blight.

ANITA MIELERT: Right.

SENATOR CASSANO: We have a 169 definitions of commercial blight and residential blight. And as we have thought about the creation of a taskforce and who would be on it, I don't think any of us thought about historical preservations.

ANITA MIELERT: I'm glad I'm here.

SENATOR CASSANO: So, I'm glad you made that comment. And we might be able to get back to you and probably --

ANITA MIELERT: I would enjoy that, Senator.

SENATOR CASSANO: -- be very helpful to me on that.

ANITA MIELERT: Great. Thank you very much.

REP. ROJAS: Thank you. Any other questions? If not, thank you very much.

ANITA MIELERT: Okay, thank you.

REP. ROJAS: Steven Hard followed by Michael Trahan.

STEPHEN HARD: Good evening, Chairman Cassano and Rojas and members of the Committee. My name is Stephen Hard and I'm Executive Director of the Greater New Britain Arts Alliance. And I'm here in support of Senate Bill 960, AN ACT AUTHORIZING THE ESTABLISHMENT OF HISTORIC PRESERVATION COMMISSIONS.

In addition to my day job, I've also served on the Ad Hoc Historic Preservation Steering Committee that guided the passage in 2011 of New Britain's historic preservation ordinance.

We need Senate Bill 960 to give legal standing to historic preservation because individuals,

business, and corporations frequently do not focus on the broader picture or the long-range implications of their plans. Connecticut and New England history reflected in our built environments makes our state the distinctive and desirable place to live that it is.

Replacing a porch railing on the front of a house with something not in keeping with the historic period of the home by itself would seem to do little to harm this historic character. However, in sensitive renovations of a significant number of properties in a neighborhood over time, on the other hand, can obliterate the attractiveness of historic quality of a neighborhood and severely impact the property values.

In New Britain, we have too many streets of one's charming multiple family homes where historic architectural integrity has been almost wholly obliterated by well intentioned, but uninformed exterior renovations. The fact is that renovations that may seem in the best interest of an individual property owner within a broader and more long-range context can be part of the devastation of an entire neighborhood drastically reducing the value of everyone's property.

From a commercial perspective, New Britain's downtown could be the poster child for how disregard for historic preservation ends up reducing attractiveness, diminishing the value of investments, and squandering financial and community resources.

New Britain's Strand Theatre, comparable to the Bushnell in Hartford and the Palace Theatre in Waterbury was torn down in 1972 to build a two-story strip mall while the Bushnell and the Palace have both been extensively renovated and are poised for their next 100 years of existence.

In New Britain, our downtown strip mall spent decades in derelict condition as an ugly-eye sore driving down property values. It was just recently demolished to make way for another building. The new building is nice enough, but it will never last as long as the Strand could have. And it will never exert on the minds and hearts of the people who experience the positive memories that Strand continues to exert in this city over 50 -- 40 years after its demolition.

We have laws to protect our national -- natural environment. These laws have become well accepted even as natural environmental regulations can sometimes be seen as needlessly obstructionist by those who prefer to avoid them.

Senate Bill 960 will not prevent progress. Rather it will ensure that changes to our built environment represent improvements and do not simply reflect narrowly focused priorities and short-term gain.

I thank you for your attention to my testimony. I hope I can count on you to strongly support Senate Bill 960. And I'd be happy to answer any questions.

REP. ROJAS: Thank you for your testimony. Are there any other questions for the speaker?

Representative Kokoruda.

REP. KOKORUDA: Thank you. Just one question on the bill. I know in my town we have a Conservation Commission, we have an historic district designated for one district commission. We have a committee on -- it's more than beautification. Really what our town looks like. All these groups go and recommend to our elected and appointed boards, you know, either P&Z and all.

In this bill, it appears that this -- if a town chose to put -- to establish an historic preservation commission, they could supersede a planning a zoning and deny an application?

STEPHEN HARD: I'm not the best person to answer that question, but I'd be very surprised.

REP. KOKORUDA: I'm looking at -- just give me one moment.

STEPHEN HARD: My understanding of the process is that you would have multiple entities that if someone wants to do building renovation, they would have to go before Planning and Zoning, they would have to go before historic preservation, perhaps, the Health Department, any number of other city entities.

As far as one superseding the other, I suppose if the historic preservation commission had some difficulty with some planned demolition or change to a structure, that could supersede an approval from another department because you have to get positive approval from all the various entities.

REP. KOKORUDA: Well, normally, in my town, these other groups come in and make recommendations. And to be quite honest, they usually are taken. But it's not a mandatory. And here I see that it once they've established this commission, this commission is authorized to approve, modify or deny applications to alter or destroy any building or structure of any real property with the municipality, you know, listed in the National Register. So, I'm -- it just seems like their role is a little stronger than I think a lot of the other committees and commissions towns have established under their zoning boards and planning boards.

STEPHEN HARD: My understanding is that the language in the state law is, basically, saying what the city can do. It's not saying what the city has to do. So, it's allowing restrictions or strength up to what's included in the state language. But a city does not have to, you know, to go to that extent.

For instance, in our statute in New Britain, we explicitly state that the historic district commission cannot require renovations which would exceed -- which would increase the cost of the project more than 20 percent or if there is other some sort of hardship involved. So, this isn't the sort of thing that, you know, people are going to be expected to do multi-million dollar renovations on a, you know, \$250,000 house or something like that.

REP. KOKORUDA: Well, I think, you know, it appears that once a town decides to do this, to establish this commission, I'm just trying to establish if the town is giving this commission power -- taking power away from entity and giving it to this group. It's more than just -- it seems to me it's more than just a recommendation. And I think the bill almost makes it sound like even if you write -- and you're required to put together your -- I think you put this together, you establish it. They're required to put together their rules and regulations.

STEPHEN HARD: Right.

REP. KOKORUDA: But I would think that this is in the bill that it just says right here that it can deny applications. I'm just wondering about the power. I'd just like to get that clarified a little bit.

STEPHEN HARD: Well, I've worked with several historic preservation commissions. And the way it typically works if I -- if someone wants to do a renovation to a historic property, they submit the plans to this preservation commission which then reviews them. And then the commission normally makes recommendations which, typically, benefits the property owner because it's, like, free consulting services. But they can, actually, deny something being done if it's not appropriate for the building for the neighborhood. That is true.

REP. KOKORUDA: But an historic district is a neighborhood -- actually, my neighborhood is doing -- we're right in the process right now of voting to make our neighborhood, hopefully, an historic district. But we -- we're going to vote to do that. And we're going to put rules and regulations on ourselves. But historic preservation commission you're talking about is town wide. So, that's just what my question is just the authority, where the authority is with this group. That's all. Thank you.

STEPHEN HARD: You're very welcome.

REP. ROJAS: Thank you, Representative. We'll definitely get clarification on that question.

Are there any other questions? No. Thank you for your testimony.

Michael Trahan followed by Jack McCoy.

MICHAEL TRAHAN: Senator Cassano, Representative Rojas, my name is Mike Trahan. I'm Executive Director of a group called Solar Connecticut. And our business group and our 50 members responsible for the lion's share of the residential solar system installations that

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discussion earlier about how we, you know, there is some submission that providers, cable companies or AT&T would buy a middle mile access as this network is. I don't really see that happening. Frankly, we've already built "fiber nodes" if you want to use that, that term which is not really their accurate term. But, you know, we've made broadband available to, basically, the entire state already. So, there's already middle mile access that's out there. And it's fairly robust.

Now, in terms of can we provide access to -- we have sold data circuits to municipalities who then use those data circuits to connect into the Connecticut educational network today. We've historically done that. Mr. Raymond is, in addition, this is a little bit awkward because he's also a customer of ours, frankly. So, we do provide those services. And, frankly, you could buy those connection services from just about any provider on the market place. It's not fairly all that complicated frankly.

REP. DAVIS: Thank you very much for your testimony.

REP. ROJAS: Are there any other questions from members of the Committee? Seeing none, thank you.

JOHN EMRA: Thank you.

REP. ROJAS: Mariann Hebenstreit. Hope I'm saying that right. Followed by Bob Labanara.

MARIANN HEBENSTREIT: Thank you for giving me the opportunity to speak to you today about the Bill 960. You've heard a lot about it already and I believe you should have my printed testimony in your packets. So, I'm not going to read this whole thing.

But I did want to address some of your concerns about what -- by the way, I am a newly appointed commissioner on the New Britain Historic Preservation Commission which is a new commission. And I'm very proud to be serving on this commission.

Your concerns about whether this commission could, theoretically, just pick and choose and say, well, you can't tear down that building because we think it's historic. I think that's not exactly clear. It's pretty clear in this bill that's before you that these properties must have either a state or a national register registration. And, so, I think that would be the charge of any commission that is put together. And I certainly feel that is our charge in New Britain in the commission.

The other thing that I wanted to point out is that even though we have -- I live in a district that is on the National Register of Historic Places. A neighbor and I, several years ago, led the charge to get us put on the National Register. We live in an absolutely spectacular neighborhood of turn-of-the-century architect-built houses. And most, if not all of these homes in this district have a robust history of New Britain. And part of my enjoyment in owning our home for 33 years has been learning about my local history by visiting my neighbors, mostly, because each and every home in our district was uniquely built for some industrialists or leader in the community. And, so, we've had a wonderful experience about our local history.

What I want to point out, though, is we did this back in 19 -- late 90's, I believe it was. And we had great hopes for how this would protect our properties and we felt like this would bring a

measure of protection to our neighborhood. And, indeed, I have to admit it has because what has - - what seems to have transpired over these years is many more people are buying into this neighborhood, specifically, because these homes are on the National Register and because they're so unique and so wonderful.

However, that doesn't protect each and every one of these properties on this National Register from really tasteless and thoughtless remuddling. And, unfortunately, a new of properties had this happen to them where people rip out perfectly-sized windows for a structure and put in some little small diminutive window where it just -- it throws the entire look of the house off. And for me, I've seen this happen. And I've seen these properties fall into deeper and deeper disrepair. And I think it's because even though the homeowner may have been well intentioned, they had been misguided in their ideas of remodeling their house.

And, unfortunately, it has -- they've ripped away permanent detail, you know, that's now forever gone, historic detail on these properties that are so important to keeping them pristine and nice to look at. And things that people drive by and think, wow, that is really a remarkable property. Unfortunately, a few properties in our district have met with terrible remuddling projects.

And I would also point out that another gentlemen who may be speaking, I'm not sure. He's on our commission. But he lives in another district in New Britain, the Walnut Hill historic district. And he may point out that, in fact, a really incredibly important historic house in his district was simply demolished even though it's on the National Register, okay. Now, you may

think and the National Register says that these properties can't simply be torn down, but it met its demise. And it didn't have to. And I think it was because of a lack of commitment and a lack of awareness in the neighborhood among property owners, among other city residents that also have a stake in New Britain. And I really believed that these new commissions that will, hopefully, be strengthened by this bill, 960, these are going to be the protectors of these properties and, hopefully, will have the opportunity when somebody comes in for a Zoning Board of Appeals or something to do something to their house, that we can say, whoa, wait a minute, you know, this - - you'll do better if you do it this way. It will look better on this house. It will the integrity of this house and the neighborhood and, thereby, preserving property values and the desire of families and people to live in these areas. So, that's all I want to say.

REP. ROJAS: Thank you.

MARIANN HEBEINSTREIT: That was probably longer than my written thing.

REP. ROJAS: Yeah, the interesting jingle a couple of minutes ago is you indicator that your three minutes are up. So, just for future reference.

MARIANN HEBEINSTREIT: I didn't even hear -- I've been hearing it all night.

REP. ROJAS: Yeah. It's not as nice sounding as the bell that usually goes off.

So, are there any questions for her? No, thank you for your passion on this.

REP. ROJAS: Bob Labanara followed by Raphael Podosky.

REP. ROJAS: Thank you. Are there any questions?  
Seeing none, thank the both of you.

Senator Cassano.

SENATOR CASSANO: Are you suggesting we're over  
regulating?

BETSY GARA: A little hint of that, yes.

SENATOR CASSANO: I agree with you. Thank you.

REP. ROJAS: Raphie Podulsky followed by Dennis Caron.

RAPHAEL PODULSKY: Thank you, Senator Cassano,  
Representative Rojas and members of the  
Committee. My name is Raphael Podulsky. I'm  
here, actually, wearing two hats. I'm a lawyer  
with the Legal Assistance Resource Center which  
is a private legal aid programs. In that  
capacity, I've submitted written testimony in  
support of House Bill number 6325, which deals  
with the recording of assignments on the land  
records.

But I'm really here and my hat as an individual  
and as a member of the Hartford Preservation  
Commission to speak in support of Senate Bill 960  
which deals with the capacity of municipalities  
to protect the historic character of their towns.

The -- my background in this is in Hartford in  
2004/'05, I was on the working group that put  
together what I think is a very innovative  
ordinance in Hartford. I was one of the drafters  
of the ordinance. I'm a lawyer and a bill  
drafter by training. And we've had that  
ordinance in place. It took affect in 2006.

What this bill does, Senate Bill 960 is it

codifies the authority of towns to protect the integrity of historic districts and properties within their towns. It is not something that gives a new power. What it really does is it makes clear that existing powers are available for this purpose. So, for example, when Hartford adopted the ordinance, for a number of reasons, it did not rely on the state Enabling Act for local historic district commissions. It relied on its own charter. It relied on the Municipal Powers Act which is 7-1-48 including the powers to protect the environment, the powers to regulate buildings, the general authority over health safety and welfare. All of those things were pulled together in identifying the authority for regulation in Hartford.

The -- it runs in companion with local historic districts. So, local historic districts are generated by -- typically, by individual neighborhoods and pick up a few buildings. The -  
- those districts -- that aspect of the law can be used to create a new historic district. In other words, be the designator of certain buildings as being historic or not historic.

I believe this bill, if you look at the bill, is different as is this Hartford ordinance. It does not permit the creation or the designation of districts through this process. What it does is it allows the town to protect the historic integrity of districts that have been created in a different process and, specifically, either by designation on the State Register or by designation on the National Register. And both of those entities are professional entities that apply historic standards to determine what is or what is not historic.

The -- in thus, it really speaks for the town as a whole. In Hartford the application of -- I'll

close. The application of the ordinance is triggered when someone applies for either a building or demolition permit. And the one thing I would say to you it's been a very successful ordinance. In the time we've been there, I believe there had been a grand total of three appeals. The overwhelming majority of the work it does is handled by planning department staff. And only things that are genuine controversy or a major come before the commissioner itself as a whole. I think it's a really good thing to do and I think this has the benefit by codifying this power which is already there. It will make it easier for other towns to move in that direction. I was very pleased to learn tonight that New Britain has done that.

REP. ROJAS: Thank you, as always, for your testimony. Are there any questions for Mr. Pudolski? Nope, seeing none. Thank you.

RAPHAEL PUDOLSKI: Thank you.

REP. ROJAS: Dennis Caron followed by Frank Hankivan.

DENNIS CARON: Representative Rojas, members of the Committee, my name is Dennis Caron. I'm vice president of Commonwealth Land Title Insurance Company. I'm here to speak tonight in opposition of House Bill 6325, an ACT CONCERNING THE ASSIGNMENT OF MORTGAGE DEBTS.

You've heard some talk tonight about MERS and how this proposed bill would essentially -- well, put MERS out of business in Connecticut by requiring the recording of all assignments. However, what I would like to do tonight in addition to my written testimony is make you aware of the situation as it presently exists with respect to the other 40 percent or so of mortgages that are not in the MERS system and do have to labor with

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REP. DIMINICO: Okay.

DENNIS CARON: And what I've said is that with this substantial penalty involved in here --

REP. DIMINICO: Right.

DENNIS CARON: -- it's going to make it even worse. And with effect, if this were to be enacted, would affect 100 percent of the mortgages, not just 40 percent as it does now.

REP. DIMINICO: Thank you.

REP. ROJAS: Thank you. Are there any other questions? Seeing none, thank you.

DENNIS CARON: Thank you.

REP. ROJAS: Frank Hagerman followed by Frank Self. Is Frank Hagerman here? Going once, going twice. Frank Self followed by Greg Secort.

FRANK SELF: I'm here to speak in support of Raised Bill 960, establishing historic preservation commissions. I'm fortunate to live in New Britain and serve on the City of New Britain Historic Preservation Commission. The other members and I are just taking our first step just feeling our way. But we have good guidance from people who, following in part, for example, established under the Home Rule Act and Historic Preservation Commission, we with the City of Hartford are on the cutting edge. But many other cities and towns in Connecticut have yet to follow. Perhaps they fear being cut. But it is for my understanding that there are possible legal problems that were not addressed under the home rule is my further understanding that Raised Bill 960 does address these legal problems, thus, paving the way for others in Connecticut to move

forward without fear of possible cutting and establishing their own historic preservation commissions.

New Britain has a proud history of hardware manufacturing, the development of public education and the immigration from diverse parts of the world. Other towns and cities have their own unique histories. In today's world of increasing detachment, isolation and fear, we yearn for connection for roots, for friends. Our lives and communities are enriched by historic neighborhoods and historic buildings. They help us to move psychologically from where are we to here we are.

It is with these ideas in mind that I strictly -- strongly urge your support for Raised Bill 960 establishing historic preservation commissions.

REP. ROJAS: Thank you so much for your testimony. Are there any other questions from Mr. Self. Seeing none, you were very persuasive. Thank you for your testimony.

Greg Secord followed by Margaret Miner.

GREG SECORTH: Thank you. Good evening, Senator Cassano, Representative Rojas, thank you for the opportunity to speak to you this evening. I'm going to keep my remarks brief. My name is Greg Secord. I'm a member of the -- actually, two different commissions, the Hartford Properties Commissions and the Hartford Preservation Commission. And the difference is the Properties Commission oversees local historic districts preservation commission as adopted in Hartford oversees a national and state register properties.

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And, interestingly, we serve as a two-fold

commission, I serve on both commissions as do my fellow colleagues. I appreciate the comments that my esteem colleague, Raphie Podosky made clarifying the issue around, simply, codifying the authority of municipalities to enact a historic preservation commission.

What I'd like to do tonight is just share a little bit of perspective, the Historic Preservation Commission having some control of National and State Register properties is absolutely critical, particularly, for major urban centers like Hartford.

Just to give you a little bit of context. Hartford has more properties on the National Register of historic places as a percentage of the total number of properties in the city of almost any city in the country. But we, as a city, have done a very poor job of leveraging or capitalizing on those historic assets. The preservation ordinance has addressed that problem.

We developed the ordinance, interesting enough in response to major effort. This is back in 2002/2004. A major series of demolitions interestingly enough state funded of blighted buildings. But that will be a subject for another day. And the preservation commission was formed to address that destruction of historic properties.

Now, we have -- we've been doing this 2006. We have an amazing track record, in my opinion. We've made a significant impact on the quality of life in Hartford. We reviewed between the commission and our staff 3,500 applications. And these applications are triggered by request for building permits that impact the exterior of a property that can be seen from a public way. So,

there's a lot of work getting done that is not -- does not impact exteriors and that cannot be seen from a public way. But that's our purvey.

Of those 3,500 applications, we've had three appeals. And, interestingly enough, in Hartford we have a separate appeals commission who is the applicant's recourse for questioning or making an appeal on a decision of the historic properties commission -- Historic Preservation Commission, excuse me. Of those three appeals, two of them were upheld by the appeals commission. One was overturned.

So, given the context, 3,500 properties, three appeals, we've made a huge impact in the City of Hartford.

Can I answer any questions?

REP. ROJAS: Thank you for your testimony. Are there any questions? Seeing none, thank you.

FRANK SELF: Thank you.

REP. ROJAS: Margaret Miner followed by Frank Defelice.

MARGARET MINER: Good evening, Chairman, members of the Committee. This is a very nicely equipped and comfortable and spacious auditorium. And I recommend next time that you sit there in the comfortable chairs and make the rest of us sit up there and we'll probably move along a lot faster.

JB963

I came to testify. I brought in some testimony from the Connecticut Land Conservation Council on Bill 5242. But I understand there was a drafting error with that, so, we'll just wait and see what happens.

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approvals, but right now because of the economy, they're not going to move forward. We don't want to lose that. I mean, those people put a lot of, you know, planning and hopes and dreams into building those kinds of things. It's good for the community as well. And, really, you have the approvals for the other two. This just makes more sense to go back, so, everything is on the same (inaudible).

REP. DIMINICO: So, the cost would be redundant. But would they really have to go through the whole process of perking out and all that kind of stuff?

FRANK DEFELICE: Absolutely.

REP. DIMINICO: That's a considerable expense to the homeowner or to the developer for something where the regulations have not changed.

FRANK DEFELICE: It is, absolutely, a big expense.

REP. DIMINICO: Thank you very much.

FRANK DEFELICE: Any other questions?

REP. ROJAS: Thank you. Are there any other questions? Seeing none, thank you, Mr. Defelice.

FRANK DEFELICE: Thank you very much for your time. Have a good evening.

REP. ROJAS: Is there anybody who hasn't had an opportunity to testify would like to do so please come up. Just identify yourself.

JEFFREY BRAY: My name is Jeffrey Bray. I'm a registered architect. My practice Bray Architects and my residence are both in the City of New Britain. And I'm here to speak in support

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of Bill 960.

While I wasn't born in New Britain, I grew up there as a third generation of my family to call the city home. I left for schooling and apprenticeship and the apprenticeship years of my profession. I returned to find many of the factories gone, the blitz of redevelop and how are well intentioned in a swath cut through part of the downtown where the ill-faded highway system that was to encircle the greater Hartford area.

I suppose the -- well, some people made serious money through these improvements. I and many other residents loss much of the city we once knew and, perhaps, under appreciated it until it was gone.

Fast forward almost 40 years. Yes, I said 40 years. Having served on the ZBA Commission, the City Plan Commission and a number of -- and the Steering Committee for the downtown revitalization, I was asked to participate and ultimately share an Ad Hoc Committee to establish an historic preservation guidelines and an ordinance which the city's common counsel approved back in the early fall of 2011 to establish an Historic Preservation Commission which, in turn, is represented here tonight by its Chairman Frank Self and City Planner Steve Schiller.

Our Committee elected to essentially follow the format developed by the City of Hartford some five years earlier. We did so to allow our guidelines to be adopted. A commission established which would -- could then work with residents of the community to establish neighborhoods and districts within significant -- with significant buildings and homes of historic

architectural quality to help not only preserve, but to protect and to renovate, to rekindle a sense of worth and value to the owners and develop a stronger economic base for the City of New Britain.

In the meantime, while working to establish historic districts, individual buildings and neighborhoods previously identified by various studies carrying state or federal designations as historic structures of quality and merit would be protected from undesirable alterations and unchallenged demolitions which they would not have been without the adoption of these -- without adoption of preservation measures proposed tonight.

We will never regain all that we lost in the 1960's and 70's modernizations. We have no illusions about recreating New Britain's past. We are focused on saving the best of what is left and using effective adaptive reuse concepts to find new uses for old buildings much like what we've done by founding Trinity on Main as a non-profit community-based performing art center and a spectacular Richardsonian-style 1893 United Methodist Church.

I'll move forward to the end. I urge all the state officials beginning with Governor Malloy to not cut support of historic preservation as there are almost 170 towns and cities both, big and small, who need to protect their priceless holdings for continued use and enjoyment. Historic preservation just doesn't need museum pieces such as Mystic Seaport and Old Sturbridge Village. It means all our embattled cities, quaint villages, and everything in between for the betterment of all.

And in closing, I'd just like to say we are all

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beholding to the professional efforts of the Connecticut trust for historic preservation as led by Helen Higgins, her board of directors and it's many members to preserve and save for future generations that which is significant. Their advocacy, their expertise, their passion, their philanthropy is admirable, appreciated, and most deserving of the continued support the trust receives from the city, I mean, the State of Connecticut. Thank you. Any questions?

REP. ROJAS: Thank you. Are there any questions?  
Don't seen none. Thank you.

Is there anyone else who would like to testify?  
Anyone else? Going once, going twice. I'd just like to thank all the staff for all their work from making this happen and for the Capital Police for keeping us safe. This public hearing is adjourned. Thank you.

Greg Secord  
23 Columbia Street  
Hartford, CT 06106-1313  
860-549-1501  
gregsecord@comcast.net

Testimony

**S.B. No. 960 -AN ACT AUTHORIZING THE ESTABLISHMENT OF HISTORIC PRESERVATION COMMISSIONS.**

Introduction:

Good evening, my name is Greg Secord; I live at 23 Columbia Street in Hartford, CT. I support SB 960 an Act Authorizing the Establishment of Historic Preservation Commissions. It is my belief that this act will complement the already existing General Statute, Section 7-147, offering another tool to build sustainable communities by building on historic assets.

By way of background, I live in a Historic District in Hartford. I work for a non-profit affordable housing developer that specializes in affordable housing in historic buildings in the Greater Hartford region. We have completed the revitalization of over 400 units and the majority of the projects are in buildings that are listed on the National Register of Historic Places. Typically those projects have been eligible for historic tax credits. I also serve as the vice chair of the Hartford Historic Properties/Preservation Commission and have served on that commission since 2000

My views represented in this testimony are mine and are not intended to reflect the views of my employer or the Historic Properties/Preservation Commission.

Prior to 2005 the government of the City of Hartford had developed a culture on not valuing historic assets and as such allowed or took part in the demolition of hundreds of buildings that can never be replaced. A group of citizens who understood the value of leveraging historic assets to create "place" led an effort to develop a Historic Properties Ordinance that was adopted in 2006. The ordinance recognized properties that had already been listed on the National and State Register of Historic Places and offered protection for those buildings in addition to the protection already in place for Local Historic Districts. The protection was triggered by the application for a building permit that was needed for work being done to the exterior of the building and that could be seen from a public right of way. Examples of work requiring permits includes; window replacement, siding replacement, roof replacement, major porch repair or an expansion/reduction of the footprint of the building and request for demolitions. It did not include minor maintenance or color choices.

The historic properties ordinance differed from the Local Historic District statute in the following ways;

- o The creation of a local district requires the identification and associated research on properties being considered for inclusion in a local historic district
- o Properties in a National/State Register Historic District were identified by an outside body based on criteria established by the National Register of Historic places.

- o Property owners had the opportunity to vote as to whether they wanted to be included in a Local Historic District
- o Property owners affected by a historic properties ordinance have the opportunity to voice their opinion during a public hearing process just as they would if this was a zoning regulation change
- o The formation of a Local Historic District is more suitable for neighborhoods with a high percentage of owner occupied residential dwellings.
- o For example in Hartford there are approximately 80 properties located in a local historic district and about 4,000 located in a National/State register districts.
- o The trigger for review of appropriateness for both the local and the national/state districts are similar and are based of established "Design Guidelines"
- o Evidence shows that property values benefit from inclusion in a historic district
- o In Hartford both the National/State historic districts and the local districts review commission are separate but are made up of the same members.

Since adoption of the Hartford Historic Properties Ordinance in 2006 approximately 3,500 applications for historic review have been processed by staff and the commission. Of those 3,500 applications only 3 applications that were declined were appealed Two of those decisions were upheld by the appeals body. The overall impact of the ordinance has been extremely positive and in most cases resulted in a collaborative conversation between the commission, staff and the applicant. There is much evidence that the objective of the ordinance is being met and is resulting in a city that is capitalizing on her historic assets rather than viewing them as a liability

I have also included a white paper titled "Connecticut Local Historic Districts and Property Values prepared for the CT Trust for Historic Preservation by PlaceEconomics in Washington, DC The paper supports the idea that historic properties, when owners are offered appropriate guidance, increase in value at a faster rate than the same properties without that guidance. It also reflects a higher level of property value stability during periods of economic downturn. This paper gives specific examples of the benefits of historic preservation for many different types of communities and their local historic districts. One can safely draw the conclusion from this report that the same valuation principals would apply for National/State Register Districts.

Thank you for your thoughtful consideration and the opportunity to share my perspective.

Sincerely,

Greg Secord

**Raphael L. Podolsky**

104 Beacon St.

Hartford, CT 06105

860-836-6355

**S.B. 960 – Historic preservation commissions**

I submit this testimony as an individual in support of S.B. 960. I am one of the founding members of the Hartford Preservation Alliance, and I was a participant and ordinance-drafter on the City of Hartford task force that wrote its innovative historic preservation ordinance, which has been in effect since 2006. Hartford has both a Historic District Commission, which operates under Chapter 97a of the General Statutes, and a Historic Preservation Commission, which operates under the town's authority under C.G.S. 7-148 and the Hartford municipal charter. Chapter 97a controls the manner in which towns can create local historic districts, but the Connecticut courts have long held that Chapter 97a is not the only way in which municipalities can protect the historic character of their towns. See, for example, Smith v. Zoning Board of Appeals, 227 Conn. 71 (1993), in which the Supreme Court upheld municipal regulation of historic properties under the Greenwich charter, ruling also that historic preservation is an aspect of protection of the environment and of promoting the general welfare.

S.B. 960, like the Hartford ordinance, recognizes this distinction between the creation of historic districts and the protection of areas that have been designated as historic through some independent process. As worded, it limits commissions authorized under this act to act on applications regarding properties that are on the National Register of Historic Places or the State Register of Historic Places. This authority is critically important to allow a town to preserve the historic character of its neighborhoods. It is important not only in outlying towns but also in cities like Hartford, which is rich with urban neighborhoods still intact from the 1890s and early 1900s. Indeed, the rehabilitation and reuse of buildings from this period has often been a key to the revitalization of neighborhoods within the city.

S.B. 960 does not create a new power in towns. That power already exists under the Municipal Powers Act (C.G.S. 7-148) and municipal charters. The bill merely confirms and clarifies the authority of a municipal governing body to create such a local commission.

Note: Two clarifying changes should be made in lines 34-37 and lines 44-47 of the bill. First, the language should be clear that the bill refers not only to individual buildings but also to historic districts. After the word "property" in l. 34 and l. 44, the Committee should insert the phrase "or within any historic district." Second, the language should be clear that the bill applies to properties that are in the formal process of being reviewed by the federal or state reviewing authority for listing on the National or State Register. After the word "listed" in l. 35 and l. 44, the Committee should insert the phrase "or under consideration for listing on."



March 11, 2013

Planning & Development Committee  
 Senator Steve Cassano, co-chairman  
 Representative Jason Rojas, co-chairman

In Support of SB 960, an Act Authorizing the Establishment of Historic Preservation Commissions

My name is Stephen Hard. I am Executive Director of the Greater New Britain Arts Alliance. I served on the Ad Hoc Historic Preservation Steering Committee that guided the passage of New Britain's Historic Preservation Ordinance in 2011.

We need SB 960 to give legal standing to historic preservation because individuals, businesses and corporations frequently do not focus on the broader picture or the long-range implications of their plans. Connecticut and New England history, reflected in our built environment, makes our State a distinctive and desirable place to live and visit. Replacing a porch railing on the front of a house with something not in keeping with the historic period of the home, by itself, does little, if any, harm. Insensitive renovations of a significant number of properties in a neighborhood over an extended period of time, on the other hand, can obliterate the attractiveness and historic quality of a neighborhood and severely impact property values. In New Britain we have too many streets of once charming multi-family homes where historic architectural integrity has been almost wholly obliterated by well intentioned, but uninformed, exterior renovations. The fact is that renovations that may seem in the best interest of an individual property owner, within a broader and more long-range context, can be part of the devastation of a neighborhood, drastically reducing the value of everyone's property.

From a commercial perspective, New Britain's downtown could be the poster child for how disregard for historic preservation ends up reducing attractiveness, diminishing the value of investments, and squandering financial and community resources. New Britain's Strand Theater, comparable to the Bushnell in Hartford and the Palace Theater in Waterbury, was torn down in 1972 to build a two-story strip mall. While the Bushnell and the Palace have both been extensively renovated and are poised for their next hundred years, in New Britain our downtown strip mall spent decades in derelict condition as an ugly eyesore driving down property values. It was only recently demolished to make way for another building. The new building is nice enough, but it will never last as long as the Strand could have, and it will never exert on the minds and hearts of the people who experience it the positive memories the Strand continues to exert over 40 years after its destruction.

We have laws that protect our natural environment. These laws have become well accepted even as natural environmental regulations can be seen as needlessly obstructionistic by those who would prefer to avoid them. SB 960 will not prevent progress, rather it will ensure that changes to our built environments represent improvements, and do not simply reflect narrowly focused priorities and short-term gain.

Thank you for your attention to my testimony. I hope I can count on you to strongly support SB 960.

March 11, 2013

Planning and Development Committee  
Senator Steve Cassano, co-chairman  
Representative Jason Rojas, co-chairman

**Re: Raised Bill #960, Establishing Historic Preservation Commissions**

I am fortunate to live in New Britain and serve on the City of New Britain Historic Preservation Commission. The other members and I are just taking our first steps, just feeling our way, but we have good guidance from people who, following Hartford's example, established under the Home Rule Act an Historic Preservation Commission. We, with the City of Hartford, are on the cutting edge, but many other cities and towns in Connecticut have yet to follow. Perhaps they fear being cut, for it is my understanding that there are possible legal problems that were not addressed under the Home Rule. It is my further understanding that **Raised Bill #960, Establishing Historic Preservation Commissions** does address these legal problems, thus paving the way for others in Connecticut to move forward, without fear of possible cutting, and establishing their own Historic Preservation Commissions.

New Britain has a proud history of hardware manufacturing, the development of public education, and immigration from diverse parts of the world. Other towns and cities have their own unique histories. In today's world of increasing detachment, isolation, and fear, we yearn for connection, for roots, for "friends." Our lives and communities are enriched by historic neighborhoods and historic buildings. They help us to move, psychologically, from "Where are we?" to "Here we are."

It is with these ideas in mind that I strongly urge your support for **Raised Bill #960, Establishing Historic Preservation Commissions**.

Thank you for your consideration.

Frank Self  
27 Hillside Place  
New Britain, Connecticut 06051  
Chair, City of New Britain Historic Preservation Commission

## Connecticut Preservation Action

Written Testimony of Anita Mielert, President of Connecticut Preservation Action  
Planning & Development Committee  
Monday, March 11, 2013

Senator Cassano, Representative Rojas, Senator Fasano, Representative Aman and the distinguished members of the Planning & Development Committee my name is Anita Mielert, and I am a former First Selectman in Simsbury and President of Connecticut Preservation Action (CPA)

CPA is non-profit organization, which advocates for historic preservation at the state and federal levels of government We represent individuals and organizations, such as the Connecticut Trust for Historic Preservation, Connecticut Main Street Center, Hartford Preservation Alliance and New Haven Preservation Trust.

CPA supports two proposals before you today, **Senate Bill 960** An Act Authorizing the Establishment of Historic Preservation Commissions and **Senate Bill 1049**, An Act Authorizing Municipalities to Regulate Blighted Commercial Property

Regarding SB 960, CPA supports the proposal, which would permit municipalities to establish their own historic preservation commissions As a former historic district commission chair, I understand there are many preservation activities available to those commissions who have a local historic district Local HDCs can accomplish a whole laundry list of proactive measures advantageous to their towns

However, a town that lacks a local historic district has *no organized mechanism* by which to identify and preserve the heritage of their community Even though many of the measures advocated in this legislation may now be available, to expect a town council—or town attorney—to cobble them together in a coherent fashion is too much to expect This legislation will clarify and organize the statutes, giving towns the ability to identify, preserve and enhance unique and historic properties

SB 960 is simply enabling Under this legislation each municipality would be permitted, within the framework of this proposal, to determine the measures that would be most advantageous to its own Plan of Conservation and Development It is an additional tool, one which does not require a local historic district to exist as a basis, and which in turn will allow applications for grants, tax credits and other financial incentives available only to historic resources

SB 960 would create an organized mechanism for historic preservation, a dedicated group of people concentrating on bringing more financial and legal resources to bear in saving our heritage

Finally, in regards to SB 1049, which authorizes municipalities to regulate blighted commercial property, CPA supports the towns' ability to control blight in all of the areas of the town. One of the most difficult problems we face in the preservation community is Demolition by Neglect. By attacking blight overall, in commercial as well as housing stock, a town can intervene before any one situation becomes a crisis. Anti-blight campaigns in our larger cities in America have resulted in famous success stories, which correlate with drops in crime rates and greater community pride.

I sincerely appreciate this opportunity to testify on these proposals, I would be glad to answer any questions at this time.