

**REGULAR MEETING OF THE LITCHFIELD BOARD OF SELECTMEN  
TUESDAY, SEPTEMBER 19, 2023 ~ 5:30 P.M.  
IN-PERSON AT TOWN HALL ANNEX, 80 DOYLE RD., BANTAM, AND  
REMOTE MEETING BY LIVE INTERNET VIDEO STREAM AND TELEPHONE**

**Call to Order:** First Selectman Denise Raap called the regular hybrid meeting to order at 5:31 p.m. with Selectmen Jonathan Tarrant, Jodiann Tenney, and Jeffrey Zullo also present. Christine Harding was absent.

**Approval of Minutes:** **Motion:** J. Tarrant moved and J. Zullo seconded a motion to adopt the regular September 5, 2023 meeting minutes. All voted aye except J. Tenney, who abstained, and the motion carried.

**Public Requests/Comments:** Lauren Sage, Bantam, said the Post Office sign on the building is in need of painting, and J. Zullo said the tenants are responsible for their own signs; but since it is on the building, D. Raap will mention it to Public Works. Secondly, there was another break-in on Vanderpoel Avenue, and she asked if the Selectmen had a plan to reduce the criminal activity. D. Raap said we do have two Resident State Troopers and now have weekend coverage every week and have been writing more tickets. She also emphasized the residents' responsibility to lock their homes and vehicles.

**Selectmen's Requests:** J. Tarrant said the Fire Commission is having a grant writer write an application for a \$1.5 million grant for new radio equipment. This is a matching grant for which the grant writer expense is \$1,500. If the grant is received, Litchfield will have to pay a \$75,000 match of capital expense that would come later. He asked if the Town can find \$1,500 to pay for the grant writer. The Board thought it could be considered, and J. Zullo asked J. Tarrant to have the Fire Commission write up a request to be put on the agenda.

Next, J. Tarrant asked that the Board of Selectmen consider making both the Tax Collector and the Town Clerk positions appointed, rather than elected. He requested this item be put on an agenda in the near future. The Statute allows for the Towns to decide between the two. It takes about 2 years to affect the change, so now is a good time, as both terms will expire then.

Finally, further to his comments at the last meeting regarding speed humps in the center of town, J. Tarrant said he researched and found that the Local Traffic Authority in Litchfield is the Board of Selectmen, not the First Selectman. He said it would give the First Selectman more strength in decisions with the whole board's backing.

**First Selectman's Update Report:** D. Raap said we are in the process of hiring two new mechanics, and they should both be on board in a couple weeks. We have interviews this Thursday for the Building Assistant, and J. Tarrant said he would confirm his attendance. Chip sealing will be done starting tomorrow from Norfolk Road to Deming Road. In addition to the food waste diversion program, U.S. Food Rescue will now be picking up all foods at the schools that have been unopened or unwrapped. D. Raap said she is working with Chris Leone on the transfer of property to Region 20 from our schools and the FF&E. She is also working with Town Counsel on the transition of the OPEB (Post Employment Benefits) people. Will Region 20 take them, or will the Town have responsibility? She further said we cannot find a signed document for the OPEB agreement 13 years ago. Fran Carpentier thought these were all Board of Education people. When someone retires prior to being able to collect Medicare, those funds would be available to them for health insurance. He thought no benefits had been paid from that account and it is growing. J. Zullo said that if the OPEB contract was with Board of Ed people, that contract should

be transitioned to Region 20 as other contracts will be. Because we've only looked at it from an investment standpoint, F. Carpentier was not sure of the details. D. Raap then reminded the Board of the next "Chair Share" on Oct. 4th from 4:00 - 6:00 p.m. at the Litchfield Community Center. D. Raap then explained that the Board of Ethics has one regular member vacancy, and the Board will choose one alternate of the two interested tonight to be appointed as a regular member at the next meeting. Finally, Dave Rogers, Acting Fire Marshal (part time), will become our full-time Fire Marshal as of November 13th when he is sworn in. J. Zullo asked about school property transfer as it relates to the school solar arrays, and D. Raap said they are using maps now that have the LIS and LHS solar areas cut out.

#### **Interviews, Appointments & Reappointments**

**a) Choose from 2 Board of Ethics alternates an appointee for the regular vacancy and make appointment at next meeting:** D. Raap said both Burke Gibney and Matt Andrulis Mette have expressed interest in moving to the regular member vacancy. Tonight we should choose one to move up but will not make the appointment until the next meeting in order to give that person time to resign from the alternate board. **Motion:** J. Zullo moved to nominate Burke Gibney to the regular member position on the Board of Ethics, retaining Matt Andrulis Mette as an alternate. J. Torrant seconded, all voted aye and the motion carried. Mr. Gibney will send a letter of resignation from the alternate board to the Town Clerk. Then at the next meeting, he will be appointed to a regular member.

**Liaison Reports/Commission-Committee Minutes:** 9/11/23 Board of Finance

**Sustainable Litchfield Update:** No update

**WPCA Liaison Update:** No update

**Vacancies:** The list of current appointed vacancies with term expirations is as follows:

Beautification Commission: 1 regular member 2/2025; 2 alternate members 2/2025

Broadband Commission: 1 alternate member 1/2025

Cable TV Advisory Council: 2 members, 1 BOE rep, both 6/2023

Capital Improvements Committee: 1 Citizen at Large 11/2023

Conservation Commission: 1 alternate member 12/2024

Economic Development Commission: 2 regulars 6/2025, 6/2026

Inland Wetlands Commission: 2 alternate members 6/2024

Litchfield Arts Council: 1 regular member 8/2024

Litchfield Housing Authority: 2 members 8/2023, 8/2024

Litchfield Prevention Council: 1 regular member 6/2024; 3 alt. members 6/2026; 1 alt. 6/2025

Milton Historic District Commission: 1 regular 1/2023; 3 alternates; 2-1/2024, 1-1/2025

Park & Recreation Commission: 1 alternate member 6/2025

Pension Commission: 1 alternate member 3/2025

Sandy Beach Commission: 1 regular member 12/2022

Social Services Board: 2 regular members 2/2024, 2/2025

Sustainable Litchfield Committee: 1 alternate 3/2024

Town Facilities Review Committee: 1 BOF Member 3/2026; 1 BOE Member 3/2026; 1- 3/2026; 1 alternate 3/2026

Traffic Safety Community Action Group: 1 regular member 1/2025

Veterans' Advisory Committee: 2 regular members 8/2023, 8/2025

Western CT Coalition, CAC #22 (formerly NW Regional Mental Health Board): 1 member 5/2023

Zoning Board of Appeals: 3 alternate members 3/2025

**Motion:** J. Tenney moved to add to the agenda the Woodard & Curran amendment under New Business f). J. Torrant seconded, all voted aye and the motion carried.

**Tax Refunds: Motion:** J. Torrant moved to approve the tax refunds as submitted by the Tax Collector in the total of \$177.20. J. Tenney seconded, all voted in favor, and the motion passed.

### **Old Business**

#### **a) Borough/HDC Consolidation Study Committee Update**

**1) 9/6/23 Historic District Commission Letter and 9/6/23 Atty. Steven Byrne Opinion: Motion:** J. Torrant moved to attach the two letters to these minutes in lieu of reading them. J. Tenney seconded, all voted aye and the motion passed.

J. Torrant explained as Chairman of the Borough/HDC Consolidation Study Committee, that this letter went to the entire Committee, the Board of Selectmen and the Planning and Zoning Commission. He summarized that the letter from the HDC said that a consolidation of the Borough into the Town would cause the HDC to no longer exist, as it is attached to the Borough. This would leave the Town with no protection from eminent domain, say, with the State widening the Green, or other safeguards that are now in place. It would be a long, involved process to try to reinstall the HDC. He felt the letter contains fear mongering with consequences if the consolidation goes through. The Town Attorney will take a look at this letter for his opinion, as the opinion attached is from an attorney who supports them. We have also reached out to a state employee for the State's position on this. J. Torrant said he would write a letter from the study committee to ask the HDC and Borough to attend its next meeting to discuss the letter. Committee members will meet tomorrow morning. Carol Bramley clarified some history and said the Village of Litchfield (our current Borough) was established in 1811, ordained by the legislature, and was created for the purpose of fire protection. The State created Boroughs later in the 19th century. The Historic District was created in 1959 by a special act of the CT General Assembly. Following were several questions that could not be answered.

Town Counsel Mike Rybak was present and said the addition to the Historical Society was approved in 1988, and they were acting as the historic review board. After the Home Rule Act they moved to Title 7 with the Historic District function, separate from the 1959 Special Act, under the general statutory provisions. He said Atty. Byrne's bullet points in his letter are entirely correct. You would not want to try to re-create or re-establish a Historic District Commission, as it takes years, is costly, and there would be no protections during that time. The question becomes, what does it take to preserve the Historic District if the Borough Government ceases to exist because of consolidation with Town government? If there is consolidation, will the Borough boundaries cease to exist? The answer is yes. There needs to be more research. If there is an answer, it lies in the Borough and Town consolidation act. If the consolidation is adopted, and if you want to preserve the Historic District and its regulations, you better get a special act of the legislature. He did not know of any case where this has been done. We do not want to be in a gray area of historic district regulation, opening us up to litigation. He will further research Atty. Byrne's letter and the HDC's letter.

**b) Hot Dog Carts and Public Comment:** D. Raap felt this falls under Hawkers and Peddlers, but that ordinance does not cover the sale of food that is not produced and sold by a farmer. Can hot dogs be sold to the general public from private property from a push cart? M. Rybak said that since it does not fit under the Food Truck ordinance or the Hawkers and Peddlers ordinance, it must be an addition to the Hawkers ordinance. It is not a permitted use under Planning and Zoning, but M. Rybak said it could be regulated by P&Z if on commercial property and is not being used for that purpose. It was decided to have P&Z look at this for a hot dog cart as well as considering an amendment to the Hawkers and Peddlers ordinance. This will be carried forward to a future agenda. Fran Carpenter felt it should be written into the ordinance

as opposed to regulated by P&Z. D. Raap said there definitely would be a public hearing before anything was done.

### **New Business**

**a) WPCA/Town Tax Collector Legal Opinion:** Town Counsel Mike Rybak and WPCA Chairman David R. Wilson spoke. Mr. Wilson said with the previous tax collector, he looked at what other towns do, and some have one tax collector for several towns. We did not need someone full time, so he found someone who was an accomplished bookkeeper and accountant who became the WPCA Tax Collector for quite some time. It costs the WPCA about \$10,000 for the service. So now he has spoken to the Town Tax Collector and finds that it is not advisable for a Town employee to also work as an outside contractor.

J. Zullo noted the conflict where the WPCA is paying the Town \$28,000/year to manage its finances, and our Town employees do that work as part of their daily work. In the case of using the Town Tax Collector, he is asking to use the town resources but privately pay that Tax Collector for the WPCA service time. So the Town is not paying extra for the financial management but is paying privately for the Tax Collection. D. Wilson understood and said he could hire a part-time tax collector that works for other towns. D. Raap said having it in the Town Hall is easiest for the users, but we have to determine why one department is treated differently from another, and a union employee is being brought in as well. J. Tenney thought it could be done in the Town with an MOU. D. Wilson said that fiduciary duties would cost more under the Town, while he could appoint an outside tax collector. D. Raap said that they have learned that the current Tax Collector would not have to go over 35 hours/week to incorporate the work of the WPCA. J. Torrant estimated that the WPCA Tax Collector spends about 8 hours a week, so he felt we could absorb this time into the current Town's Tax Collector's office. Then we should review after one year to decide what should happen with compensation going forward. Customer service would be better in that office and software could be used for both. J. Zullo again said that being compensated from outside but using Town time, space and resources could be a conflict. M. Rybak said he is uncomfortable with someone serving in the same office, once as an employee and then also as an independent contractor using the same office, phone, materials, and software. An audit could cause a problem with that. Either we have to go totally independent outside the Town Hall or structured properly to operate in the Town Hall. D. Raap felt the extra hours could be incorporated into the regular work week. M. Rybak said that an elected official would have to agree to this. If the Tax Collector was an appointed position, the Town could negotiate or assign (if management) the additional work for a slight increase in pay. He said they should have an MOU with the Tax Collector.

J. Torrant said we are looking at making the Tax Collector an appointed position and could bring it to Town Meeting in January. In the interim we could consider having an additional part-time employee in the Tax office, limiting that person's pay to \$2,500 per quarter that would equate to the annual \$10,000 cost. That part-time employee would be dedicated to the WPCA collection and responsible for taking care of all the WPCA's requirements. The WPCA would pay the Town per an MOU. D. Raap said she would have a draft MOU done.

**b) FY 23 Operating Funds Investment Report - F. Carpentier:** Treasurer Fran Carpentier received high praise from Selectmen who have been with him for years as he steps down. He said it was a good experience and has much to keep him busy going forward. He said under his tenure, several policies have been written and this annual investment report was a requirement. He reviewed his summary, with funds in the Union Savings Bank (operating account), in the two STIF (State Treasurer's Investment Fund) - general investment and bond proceeds, and in the Northwest Community Bank (formerly Litchfield Bancorp) - fund balance accounts. All money is collateralized or insured, with a tiny part of the \$20 million total that is not. Interest rates are about 5.2% now on both Union and STIF. NW Community Bank is 4%. He concluded that both Union and NW Community Bank give excellent service and are very responsive. He pledged he will ensure a smooth transition with whoever becomes the new Treasurer.

**c) Litchfield Long-Term Parking Committee Creation:** D. Raap explained that Hiram Peck is the Planning Consultant hired by P&Z to study the parking area behind the Town Hall and jail, and he submitted the Parking Study Recommendation. They are being proactive and want to establish a staff committee that represents all entities to work on next steps. C. Bramley said it probably should have the different entities break off into sub groups that would work on its own areas. Hiram Peck might be a good facilitator at first. **Motion:** J. Zullo moved to authorize the First Selectman to work with the P&Z Chair to develop a long-term parking committee. J. Tenney seconded, all voted aye and the motion carried.

**d) Discuss Transfer vs Retaining Plumb Hill Property as Town-Owned:** D. Raap asked if we want to include the Plumb Hill Property in the transfer of land to Region 20. J. Zullo felt we are carving out the solar array and carpools, and we should also retain this land, as all facilities on the property are owned by Plumb Hill Playing Fields, Inc. J. Torrant said the PHPF Board feels the land should be transferred to Region 20 from a liability standpoint. All the equipment that is attached to the ground is not insured and would be a liability if retained by the Town unless it is insured. If transferred to Region 20, liability would be transferred and a reversion clause in place should they decide not to use it. D. Raap will check our insurance to see if we have coverage but said it was covered in the lease. M. Rybak suggested there should be an A2 survey and a title search funded by Region 20, an 8-24 review, a public hearing and a town meeting before Town land can be disposed of. This will be discussed further in the future.

**e) Letter of Support for the Milde Farm:** Keetu Winter, neighbor of the property, said this is a 670-acre property with many important geological features, forest and habitats that are critical to conservation efforts. The Northwest CT Land Conservancy has become involved to make sure this land is protected. They are asking for letters of support from the Town to secure funding from the State DEEP. P&Z has approved sending a letter of support. **Motion:** J. Zullo moved that the Board of Selectmen endorse and support the Northwest CT Land Conservancy application for an Open Space and Watershed Land Acquisition grant from the Department of Energy and Environmental Protection and authorize the First Selectman to write a letter of support. J. Tenney seconded, all voted aye and the motion carried.

**f) Woodard & Curran Amendment:** D. Raap explained that this amendment adds \$11,300 to the contract. The WPCA supports it and has signed it. D. Wilson said they need river elevations at flood conditions for the Bantam River adjacent to the Water Pollution Control Facility to conduct floor resiliency evaluations in the scope of work. **Motion:** J. Zullo moved that the Board of Selectmen approve and authorize the amendment of \$11,300 on the Woodard & Curran contract. J. Tenney seconded, all voted aye and the motion passed.

**Correspondence:** None

**Adjournment:** **Motion:** J. Zullo moved and J. Torrant seconded a motion to adjourn at 8:07 p.m. All voted aye and the motion carried.



Denise Raap, First Selectman

The Litchfield Historic District Commission

Attachment Re  
Old BUSINESS a)

Town's Consolidation Committee  
Attn: Jon Tarrant  
Town of Litchfield  
74 West Street  
PO Box 488  
Litchfield, CT 06759

6 September 2023

RECEIVED SEP 12 2023

Dear Committee:

The Borough of Litchfield's Historic District Commission (referred to as LHDC below) is sending the Committee this letter. It has been fact checked by Our council- Attorney Steven Byrne. His letter is attached under separate cover; it confirms the accuracy of the remarks made below. We kindly ask that both letters be read and included into the public record via your meeting minutes. Copies of this letter were sent to the Board of Selectmen, Planning and Zoning Board and The Borough of Litchfield.

We believe that the Consolidation Committee and all Borough residents as stakeholders are best served by fully understanding why the Borough of Litchfield was established. We feel that prior to making any decisions on behalf of the Town, this research should take place. Importantly, the discussion to disband the Borough carries detrimental impacts that are not fully considered in making such a permanent change in this status.

We feel the full ramifications of such a dissolution of the Borough (1) are not well understood by the Consolidation Committee and (2) are not adequately explained to the residents who are key stakeholders. Additionally, the Consolidation Committee has not reviewed their actions as it applies to both this Borough and other boroughs and historic districts within the State of Connecticut.

Specifically, without the Borough of Litchfield, there is no LHDC. Without the LHDC the protections the residents of the Borough Of Litchfield (and the Town of Litchfield) receive are lost on a temporary or permanent basis. The loss of these protection creates significant risks which we do not face, if we keep the existing Borough and LHDC structure in place.

**First and foremost**, our Historic District is the first of its kind in Connecticut, created in 1959 by a special act of the Connecticut General Assembly. The current LHDC that we all know today was later established by Borough Charter Ordinance in August of 1989 to allow for the preservation and maintenance of the Borough and its historic structures, including buildings, sites (the Green), structures, objects there in (less a few lights, traffic poles and temporary signs). It is a place of Historic Significance with Federal and State recognition, which also includes National Landmark status. The Borough has a "National & Connecticut State Register of Historic Places" Recognition. The LHDC maintains these places via the provisions set forth under State Statute Section 7-147a to 7-147k. This authorizes the creation and administration of local historic districts. In addition we have the Borough Code Chapter 12 Section 12-1 to 12-10. The LHDC cannot regulate the Historic District without The Borough's existence.

These guidelines are not arbitrary, rather they are set forth by the National Park Service (NPS) via The Secretary of the Interior's Standards for Rehabilitation (<https://www.nps.gov/orgs/1739/secretary-standards-treatment-historic-properties.htm>) as well as the Handbook for Historic District Commissions (provided by Preservation Connecticut). We use these tools and past precedent to guide our decisions. Our Commission safeguards the roughly 450 homes and tens of businesses. We objectively review all applications twice a month, 24 times per annum by a commission of volunteers. There are no fees for the application process, the Borough makes no money from this process. We volunteer for the Borough solely to protect the Historic Properties and to maintain the aforementioned structures as they pertain to the preservation of the LHDC.

## The Litchfield Historic District Commission

The LHDC is a non-partisan volunteer commission for the Borough, tasked with decision making on all applications using objective requirements using Connecticut State Statute and the guidelines listed above. The General Statutes allow for the appointment of volunteers of the Borough Board and LHDC are residents of this 1.3 square mile piece of land, with LHDC commissioners better equipped to manage and govern policies that protect their fellow neighbors' properties.

Examples of some of our review of the exterior of the historic structures are listed below:

- 1) Is the application congruent with the historical fabric of the district?
- 2) Are the materials congruent with an historic building?
- 3) Is the size and scale of the alteration appropriate for the location?
- 4) Will the application physically cause harm to the materials and structure of the building?
- 5) Has the Commission, in the past denied similar applications?

In a recent application brought forth to the LHDC, residents of the Borough, the town and adjacent towns recently and overwhelmingly demonstrated their desire to preserve the historic architectural feel and character of the Borough when a majority made their strong opposition to the proposed modern mural. This shows positive and vigorous support for the Borough and its LHDC.

**Secondly**, the Litchfield Historic District was established to prevent our town from the effects of eminent domain by various state entities. If such protections were lost, Government entities like the DOT could dramatically expand their roads through our front lawns and our historic town green. For reference: please visit towns like Canton, Avon and Farmington. All of these towns were originally colonial villages, all lost to the DOT road expansion via eminent domain with no town input.

According to the Local Historic District & Property Commissions in CT, Litchfield is probably New England's finest surviving example of an 18th century town, and not by accident. Our predecessors who founded our historic district had the foresight and understood what could happen should Litchfield not be protected as so many surrounding towns and villages have succumbed to in the name of "progress and growth" development. The Borough and LHDC act as a protection from an aggressive State government where edicts overruling local planning and zoning regulations are all too common.

**To be clear**, the Borough and the Historic District being "coterminous" (linked and directly related with respect to space, time or meaning) with our State Historic District status, if dissolved it will remove this status and/or protection which would increase vulnerability of those Historic Places therein. *In other words, if the Borough is dissolved, our Historic District status would dissolve.. Therefore no more LHDC.*

**Thirdly**, The Consolidation Committee may be eager to dissolve the Borough, however the Committee and residents need to understand the exceptionally long process to create a new Historic District and the significant risks involved in the process.

The process to establish a new Historic District is complicated, lengthy, contains risk and is not guaranteed. Once Historic District Status is cancelled, we may not get it back. Critically, dissolution and 'omission' of the existing Litchfield Historic District creates the new eminent domain risks outlined previously.

Key considerations for the formation of a new Historic District are as follow:

- (1) Litchfield's National Landmark Status and its protections are linked to the existing Borough of Litchfield and cannot be transferred from one municipality to another and would be lost upon dissolution, including all the protections provided to property owners.

## The Litchfield Historic District Commission

- (2) A new Litchfield town committee will need to be formed and complete ten complicated and lengthy steps to create a new "Historic District" (per Connecticut State HDC handbook).
- (3) It will not be possible to form a committee to establish a new Historic District until the Borough is dissolved and the existing Historic District is removed from public records in its current form.
- (4) It may take a new Litchfield town committee four to ten years (estimated) to legally establish a new Historic District through the Connecticut State government process.
- (5) Then, to actually form a new Historic District, approvals must be sought from residents, the Town of Litchfield and State Agencies.
- (6) There is no guarantee such approvals will take place or that a new Historic District will be successfully formed.
- (7) Additionally, we would also lose our status<sup>as</sup> the First Historic District in the State.

Without a Historic District Status, our beautiful town is open to the risk of unsupervised development, including government entities, like the DOT, to make any change they wish on our roads and beautiful Town Green using eminent domain. These risks would also apply during the gap period after dissolution of the Borough until the formation of a new Historic District.

The "Unwinding" of the Borough would also give all property owners in the Historic District "Carte Blanche" to make any and all changes they wish without approval by the LHDC. This could include, demolitions of historically significant structures, massive additions stretching to property lines, etc. without regard to historical appropriateness. Once such changes are committed to, the properties would lose their character and the continuity which residents hold in such high regard would forever be lost. This could permanently affect home values in Litchfield and hinder the ability to re-apply for new Historic District Status.

One of the primary reasons homeowners purchase in Litchfield is the historic charm and preserved aesthetics. Property values are also of major concern and could be placed in jeopardy for residents of both the Borough and the Town of Litchfield, should the protections afforded by the Borough cease.

Well run and preserved Historic Districts enhance property values as documented in a 2011 study of CT historic districts and the associated property values. The study found that property values in every local historic district saw average increases in value, ranging from 4% to over 19% per year. The charm and character of the District also significantly enhance the tourism to our town. The businesses, shopping, hospitality and restaurants, would be damaged by the loss of the Historic District and its landmark status.

It would be disastrous to risk the loss of our National Historic Landmark Status. There is real risk that the DOT could use eminent domain to seize land adjacent to state roadways, including land abutting the Town Green and both commercial and residential properties on North Street, South Street, East Street and West Street. The very real risk is that the Town Green could be reduced to a fraction of its current size or adjacent properties could become just a few steps away from dramatically widened state roads.

For all the reasons stated above, the Litchfield Historic District Commission strongly opposes the "consolidation" of the Borough and the Town. We truly can't believe that any member of the Consolidation Committee or properly informed Borough property owners would ever want to be subject to such dramatic risks in our community.

Respectfully Submitted,  
All Volunteers of The Litchfield Historic Commission.

cc. Board of Selectman

LAW OFFICES  
**BYRNE & BYRNE LLC**

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P.O. Box 1065, 270 Farmington Ave., Suite 365  
Farmington, CT 06034  
(860) 677-7355

Attorney Steven E. Byrne  
Attorney Nicole L. Byrne

[attysbyrne@gmail.com](mailto:attysbyrne@gmail.com)  
[attynbyrne@gmail.com](mailto:attynbyrne@gmail.com)

September 6, 2023

Julia A. Metcalf, Chair  
Litchfield Historic District Commission  
21 Torrington Road  
P.O. Box 913  
Litchfield CT 06759-0913

Re: HDC letter to the Borough Consolidation Committee

Dear Ms. Metcalf:

I have reviewed your letter to the Consolidation Committee dated July 5, 2023 and find the legal conclusions stated therein to be correct. The Borough Consolidation Committee's goal of dissolving the Borough of Litchfield will result in the elimination of the Litchfield Historic District and the Litchfield Historic District Commission. The Litchfield Historic District cannot be transformed into the Town of Litchfield Historic District Commission if the Borough of Litchfield ceases to exist. Once the Historic District is gone, there is no guarantee it will be reconstituted as it presently exists and would place into jeopardy its listing in the National Register of Historic Places.

The dissolution of the Borough will also dissolve the Litchfield Historic District. Pursuant to Connecticut General Statutes Sec. 7-147a(b), an historic district is the creation of the municipality it is located within and it is that municipality which has the sole authority to govern its historic district. There is no statutory provision for a municipality to designate this authority to another municipality.<sup>1</sup> Nor is there any such authority for a municipality to acquire an historic district through the absorption of another municipality. Instead, as you correctly point out, the only way to create an historic district and its governing commission is by strict adherence to the statutory scheme outlined in C.G.S. Sec. 7-147a et seq.

This statutory process involves numerous procedural steps and can consume a substantial amount of time. These steps include:

<sup>1</sup> For example, C.G.S. Sec. 8-1(b) provides that a borough may designate its surrounding town's zoning commission as its zoning commission.

This statutory process involves numerous procedural steps and can consume a substantial amount of time. These steps include:

- The legislative body of the municipality authorizes the chief elected official to appoint an historic district study committee for the purpose of making an investigation of a proposed historic district or districts;
- The historic district study committee then investigates and submits a report which shall include an analysis of the historic significance and architectural merit of the buildings, structures, places or surroundings to be included in the proposed historic district or districts and the significance of the district as a whole;
- The historic district study committee shall transmit copies of its report to the State Department of Economic and Community Development and the municipality's planning commission and zoning commission, or the combined planning and zoning commission for comment;
- The historic district study committee shall hold a public hearing on the establishment of a proposed historic district or districts;
- The historic district study committee must submit its report with any changes made following the public hearing, along with any comments or recommendations together with other materials as the committee may deem necessary or advisable to the legislative body and the clerk of the municipality;
- The clerk or his designee shall mail ballots to each owner of record of real property to be included in the proposed district or districts on the question of creation of an historic district or districts;
- The ballot shall be a secret ballot and shall set the date by which such ballots shall be received by the clerk of the municipality. The ballots shall be mailed by first class mail to each owner eligible to vote in such balloting;
- If two-thirds of all property owners voting cast votes in the affirmative, the legislative body of the municipality shall by majority vote take one of the following steps: Accept the report of the committee and enact an ordinance or ordinances to create and provide for the operation of an historic district or districts in accordance with the provisions of this part; reject the report of the committee, stating its reasons for such rejection or return the report to the historic district study committee with such amendments and revisions thereto as it may deem advisable, for consideration by the committee; [C.G.S. sec. 7-147b(i)]
- Any ordinance, or amendment thereof which creates or alters district boundaries, shall contain a legal description of the area to be included within the historic district. The legislative body, when it passes such an ordinance, or amendment thereof, shall transmit to the municipal clerk a copy of the ordinance or amendment thereof. Such ordinance, or amendment thereof, shall be recorded in the land records of the municipality.

While this statutorily mandated process takes place, the buildings, structures and places that once constituted the Litchfield Historic District will be left vulnerable to actions that will degrade the current cohesiveness and historical significance of the district. This statutory process is the only means available for establishing an historic district.<sup>2</sup>

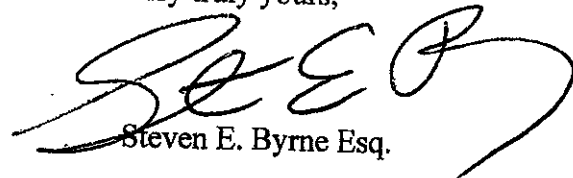
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<sup>2</sup> See generally C.G.S. Sec. 7-147b and also *Traverse v. Town of Berlin*, 41 Conn. L. Rptr. 842 (2006).

Your letter to the Borough Consolidation Committee identifies a dilemma faced by the Committee's desire to dissolve the Borough. In accomplishing its goal, it will likely destroy what it values - the perfect historic village of Litchfield which is a prime economic resource for the Town.

In conclusion, your letter to the Consolidation Committee is factually and legally correct and identifies the problems and harm that the dissolution of the Borough would cause.

Very truly yours,

A handwritten signature in black ink, appearing to read 'SEB', with a large, sweeping flourish extending from the end of the signature.

Steven E. Byrne Esq.