

Old Lyme, Connecticut

**Historic District
Handbook**

Text version, March 2005

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Foreword

This Handbook is intended for the guidance of property owners, prospective property owners, tenants, architects, builders, attorneys, realtors and others with an interest in Old Lyme's Historic District.

One copy is provided free of charge to all persons owning or renting property in the Historic District. Additional copies may be purchased at the Selectman's Office, or by writing the Commission at 52 Lyme Street, Old Lyme, CT 06371. The price of the Handbook is \$8.00 (which includes mailing) or \$8.00 at the Town Hall.

The Commission can be reached by calling the Town Hall at (860) 434-1605 ext. 224, or visiting the Town's web site at www.oldlyme-ct.gov.

Why Historic Districts?

Perhaps nothing so unites the residents of Old Lyme as the shared desire to insure that, as their community grows, it retains as many as possible of those qualities that led them or their ancestors to select it as a place to live. To that end the town supports an active Planning Commission as well as comprehensive zoning regulations administered by an elected board. To further protect the character of the nucleus of the village, during the 1950's, many of the commercial enterprises moved to a newly created business district on Halls Road, and in 1971 the citizens of Old Lyme voted to make Lyme Street a Historic District, administered by an appointed commission functioning under specific provisions of the Connecticut Statutes.

An historic district confers important advantages even though it involves some inconveniences for those affected by its restrictions. In answer to those who believe that property owners should be free to treat their property as they wish, we call attention to a number of Old Lyme's neighbors that have neglected to create historic districts. A generation or two ago, several of these communities were generally considered even more attractive than Old Lyme; today, as a result of unrestricted development, they appear characterless and unappealing.

To judge from past experience, threats to the integrity of the Historic District are likely to come, not so much from commercial interests whose inappropriate proposals can be readily identified and promptly disapproved, as from caring citizens whose worthwhile projects are simply being addressed in the wrong way. In the last analysis, most applications the Historic District Commission is asked to consider may be reduced to a

single question: *Is a given action likely to enhance - or at least preserve - the qualities that identify Old Lyme and that set it apart from other Connecticut towns?* If, in the opinion of the majority of the Commission, the answer appears to be "No" then the Commission has no choice but to reject the application as "inappropriate," whatever its other merits (which in many cases may be substantial).

Experience suggests that the distinctive character of a village like Old Lyme is usually a product of numerous small elements, seemingly unimportant in themselves, that, taken together, contribute to what is often referred to as *a sense of place*. Difficult to verbalize or quantify, this sense of place is a fragile possession that belongs to all who make their home in the village or who delight to visit it. It is, in short, an important part of our patrimony, and to destroy or compromise it would leave everyone the poorer. Consequently, we have developed guidelines shown on the following pages.

The Historic District in Old Lyme

Boundaries. The Historic District runs from #1 McCurdy Road at the Town Green on the south end of Lyme Street for approximately 1.5 miles to the Town Green at the north end, forking left to # 2 Sill Lane and right to # 1 Rose Lane off the Boston Post Road.

The east and west boundaries of the District are the east and west boundary of each property contiguous to, or fronting on, Lyme Street or a line three hundred feet east or west from the center line of Lyme Street, whichever is closer to the center line. Buildings and their dependencies that are only partially within the Historic District are considered to be entirely within the Historic District. The map of the District that forms the centerfold of this Handbook is provided for the convenience of the reader and for illustrative purposes only; where it does not conform to the statutory description of the District, the latter is controlling.

Character. The Historic District, in the center of Old Lyme, is today a pleasant mix of traditional and modern houses, churches, schools, The Academy of Fine Arts, art galleries, two inns, a library, the Town Hall, a firehouse, museum and business establishments. Of its seventy-five properties, approximately fifty have buildings dating before 1900 and eight have structures begun before 1800. During the 1950's when the town established its planning and zoning ordinances, a new commercial zone was developed on Halls Road. The dozen or so shops that remained after many of the non-residential enterprises moved to Halls Road help give Lyme Street the ambiance that many find attractive.

In 1972 the Old Lyme Historic District was listed on the National Register of Historic Places (web site: www.cr.nps.gov/nr/).

Benefits. Among the benefits of the Historic District is the assurance it provides of a stable environment for the village center in general and for the residents of Lyme Street in particular, with all that implies for property values and the like. Listing on the National Register of Historic Places also affords a measure of protection against federally funded projects (such as highways or bridges) that might infringe on the district.

In addition, owners of commercial or income-producing property in the Historic District may also be eligible for Federal tax benefits for preservation and restoration. Information about such benefits now available can be had from the State Historic Preservation Office, 59 South Prospect Street, Hartford, CT 06106, (web site: www.cultureandtourism.org/history/).

The Historic District Commission

Authority. All regulations and policies concerning the Historic District are formulated and administered by the Old Lyme Historic District Commission in accordance with the Town Enabling Ordinance of 1971 (web site: www.generalcode.com) and the provisions of Section 7-147 of the Connecticut General Statutes (web site: www.cga.ct.gov) as amended from time to time. Should there be any ambiguities, conflicts, or omissions in this Handbook, the pertinent town ordinance and state statutes take precedence. Copies of both documents are available from the Town Clerk or the Selectman's office.

Composition. The Commission is composed of eight residents of Old Lyme appointed by the town's Board of Selectmen: Five regular members who serve for terms of five years, so arranged that the term of at least one member expires each year; and three alternate members, who serve for terms of three years. At least one regular member and one alternate member must reside within the Historic District. All members and alternates serve without compensation and hold no salaried municipal office. Insofar as possible, persons who comprise the Commission are selected for their specialized training and professional experience.

Operations. The Historic District Commission meets on the first Monday of each month (except legal holidays) in the Old Lyme Memorial Town Hall, 52 Lyme Street. Its meetings are open to the public, and those interested in historic preservation and the Historic District are urged to attend. The Office of the Commission is located in the Memorial Town Hall. For information contact the Town Hall.

Duties. In brief, no building or structure within the Historic District may be erected, altered, removed, or demolished until a Certificate of Appropriateness has been granted

by the Historic District Commission. Such a certificate is necessary whether or not a building permit is required. The Commission also provides advice about all historic properties in the District, suggests pertinent legislation, initiates planning and zoning proposals, cooperates with other regulatory and civic groups interested in historic preservation, and comments on all applications for zoning variances that may affect the Historic District. The Commission in Old Lyme reports to the Connecticut Historical Commission in Hartford (web site: www.cultureandtourism.org/history/).

Requirements. In considering an application for a Certificate of Appropriateness, the Commission has no requirements as to specific architectural form or style and it has no mandate to favor the past over the present. Indeed, minute by minute the present is becoming the past. The Commission recognizes that change is inevitable and in many cases desirable, and it asks only that new structures or artifacts introduced into the Historic District and all changes to structures already existing, be appropriate, be competently designed and show respect both for their immediate neighbors and for the District as a whole.

Variations. Occasionally the Commission may permit variations from established practice because of topographical conditions or unusual circumstances. The Commissioners seek to hold such variations to a minimum. In granting any variation, the Commission may impose special stipulations and conditions intended to preserve the character of the Historic District. Such variations should not be considered a precedent.

Certificate of Appropriateness

A Certificate of Appropriateness is required for the exterior alteration, erection, relocation, or demolition of any building or structure within the Historic District. For definitions of "building" and "structure", see the following section.

Forms. Prior to submitting formal requests, applicants are encouraged to discuss projects on a preliminary basis at a regular Commission meeting. Forms on which to apply for a Certificate of Appropriateness may be obtained from the Planning Commission's Office at the Town Hall or from the Town's web site (www.oldlyme-ct.gov). One application covers two forms: "Form A" for signs, fences, walls, hedges, walkways, lighting, propane gas tanks, etc. and "Form B" for building additions, outbuildings, swimming pools, driveways, parking lots, etc. The application fee is twenty-five dollars for "Form A" and fifty dollars for "Form B". In most cases, the Commission is reluctant to consider an application from anyone who is not in compliance with a prior directive of the

Commission or who has yet to fulfill satisfactorily the provisions of a Certificate granted previously.

Supporting Data. Applications must be accompanied by dimensioned scale drawings, specifications, details, photographs, models, samples of materials and a site plan.

Procedures. Upon receiving a formal application, the Commission will schedule a public hearing, notify all abutting and opposite property owners in advance, and publish a legal notice of the hearing in a local newspaper. By law, the notice must appear not more than fifteen days or less than five days before the hearing date. To permit time for publication, all applications requiring public hearings must be received three weeks in advance of the hearing date. The Commission has sixty-five days from the date the formal application is received in which to render its decision, although in practice most questions are resolved at the time of the public hearing.

Transfers. A Certificate of Appropriateness issued to one property owner can not be transferred to a subsequent owner without notification to the Commission.

Definitions and Examples

Connecticut law defines a "building" as any combination of materials forming a shelter for persons, animals, or property. "Structure" is defined as any combinations of materials, other than a building affixed to, or resting on, the land, including-but not limited to-swimming pools, parking areas, driveways, roads, signs, fences, walls, sidewalks, lights and lamp posts.

Buildings. In addition to dwellings, barns, stables, shops, garages and other large buildings, the following are considered buildings requiring a Certificate of Appropriateness:

- Pool houses and pool accessories
- Garden structures of all kinds, including play and tree houses
- Well houses and dog houses
- Enclosures to screen trash and refuse

Fences and stone walls. Fences and walls like those shown on page 13 are traditional in Old Lyme and a form favored by the Commission where appropriate. Stockade and chain-link fences should be used sparingly. For examples of fences appropriate in various situations, see Stanley Schuler's book, *How To Build Fences, Gates and Walls*.

Driveways, roads, parking areas and walks. The Commission discourages the use of blacktop for driveways and entrances. In situations where the need to snowplow or where other considerations require a hard surface, gravel or crushed stone can be rolled into a bituminous grinder to provide an attractive, serviceable surface. When using concrete in any situation, care must be taken to see that it conforms in color and texture to similar installations near it.

Lights. Whether attached to a building or mounted on a post, lighting fixtures contribute greatly to the general character of an area and are therefore under the jurisdiction of the Commission. Most exterior lanterns offered for sale today are too small for the building they are intended to accompany. Property owners are asked to be mindful of the period and scale of their structures when choosing lanterns. (Please see page 11 for examples of appropriate fixtures.) Light "color" should be non-commercial "white" – such as you get from an incandescent bulb. Up to six exterior lights (not exceeding 18" in height), may be installed to illuminate walks, garden steps or stairs without consulting the Commission. Even when it appears that no Certificate is likely to be required, owners contemplating changes or additions of any kind within the Historic District are asked to inform the Commission. This will help avoid unnecessary inquiries and possible misunderstandings.

Mailboxes. As of May, 2000, the following guidelines were adopted by the Historic District Commission in agreement with the Postmaster of the Town of Old Lyme. Mail delivery is allowed at businesses and residential properties on Lyme Street, but freestanding mailboxes are not permitted on Lyme Street or back from it south of I-95. Boxes used must be specifically designed for mounting on the houses and be inconspicuously attached to the house or located inside a porch. If mail is to be deposited in a basket or box, the receptacle should not be visible from Lyme Street. Mail slots in doors are acceptable.

Permanent Signs. The erection of any permanent sign within the Historic District requires a Certificate of Appropriateness. All such signs must also conform to the Old Lyme Zoning Regulations and necessary Sign Permits for them must be obtained from the Zoning Office in the Town Hall. To be considered "permanent," a sign need not be fixed to the ground or building; that is, a sign that is regularly displayed during business hours and removed at other times is considered to be permanent.

All permanent signs must be professionally lettered and the color and shape of the sign must be appropriate to the building. Signs painted directly on the wall or roof of any building are not permitted by the zoning regulations of Old Lyme. Sandwich-board type signs are not permitted in the Historic District, except for limited use by nonprofit organizations as explained in the *TEMPORARY SIGNS* section under the heading *NONPROFIT EVENT SIGNS*.

Premises occupied by any single business establishment, professional office, association or society, and the premises of any other entity that the public may enter, may have one and only one permanent sign identifying the facility or use. This may be either attached or detached. Such premises may not have both an attached and a detached sign. When two or more occupants of the same building are each entitled to one sign, such signs must be compatible.

Shops that are not always open during normal business hours need not obtain a Certificate of Appropriateness to display small signs identifying them as "open" or "closed," provided the sign in question is no larger than the one square foot in area. The usual Certificate of Appropriateness must be obtained for signs of greater dimensions.

The owner of any structure in the Historic District is responsible for seeing that a sign identifying a business that has moved or closed is removed within thirty days after it has ceased to serve the purpose for which approved. Whenever a hanging sign is removed the post or support must also be removed.

Temporary Signs.

Real Estate Signs. "For Sale" or "For Rent" signs must be limited in number to one per lot and must not exceed three square feet in size. The sign must be removed, together with its post or support, within 48 hours after a lease is signed or a title transferred. Real estate "Sold" signs are not allowed in the Historic District. "Open House" signs on Lyme Street may only be posted the day of the open house and only for houses located on Lyme Street.

Nonprofit Event Signs. Institutions on Lyme Street including the library, the public schools, the Lyme Academy College of Fine Arts, the Lyme Art Association and the Florence Griswold Museum may erect competently lettered temporary signs (including sandwich-board signs) and banners for special events. These may be displayed in the Historic District for a total of not more than ten days before the event and must be removed within 48 hours after the event.

Contractors' Signs. On any property where construction, remodeling, or repair is in progress, one non-illuminated, white sign with black type that does not exceed four square feet in area identifying contractors, subcontractors, and designers, may be displayed adjacent to the structure for a limited period consistent with the nature of the work.

Political Signs. These are not permitted in the Historic District.

Sandwich-board Signs and Banners. Except for limited use by nonprofit organizations, as stated above, sandwich-board type signs and banners may not be used in the Historic District.

Landscaping. A few shrubs or trees may be introduced without the approval of the Commission. However, when plant materials are used to form a barrier, when the grade is significantly changed, or when other materials are included as part of the new landscape design, a Certificate of Appropriateness is required.

Commission Review

Although not necessarily requiring a Certificate of Appropriateness (in many cases a phone call may be sufficient) the Commission should be consulted about the following:

- Air Conditioners
- Aluminum or vinyl siding (not permitted on buildings of historic importance)
- Dumpsters
- Benches
- Fireplaces and cooking facilities (outdoor)
- Garden and architectural ornaments
- Gutters and downspouts
- Exterior lights and lanterns
- Oil and propane tanks
- Security system signs
- Shutters (blinds)
- Skylights, roof windows and solar-heating panels
- Storm and screen doors and storm windows
- Antennas
- Utility boxes and meters
- Ventilating fans
- Window boxes and planters

Handicapped Access. The Old Lyme Historic District Commission is committed to working with others to provide suitable means of access for the handicapped to all public buildings on Lyme Street, including those that existing law exempts. But whatever means

of access is selected by the property owner must be approved by the Commission before installation.

Maintenance and Repairs. Because sandblasting or re-pointing of masonry may alter significantly the character of a building, the Commission should be consulted before a contract is let for either kind of work.

Not Permitted in the Historic District

- Above-ground swimming pools
- High diving boards and similar pool equipment
- Display of items other than flowers for sale by private individuals
- Business establishments are allowed to display merchandise outdoors only after securing specific permission and only for short periods of time
- Newspaper tubes
- Television dishes
- Storage or sale of boats, trailers, motor homes, RVs trucks and automobiles within view from Lyme Street

Enforcement and Appeals

Fines. Enforcement of the regulations and decisions of the Commission is the responsibility of the Town's Zoning Enforcement Officer. When a violation of its regulations is believed to have occurred, the Commission may institute action in Superior Court in New London. Should a violation be found to exist, those responsible may be fined not less than \$10 or more than \$100 for each day the violation continues. If the offense is willful, the offender(s) may be fined not less than \$100, or more than \$250, for each day the violation continues.

Although Connecticut law permits a historic district commission to ask for substantial fines for those who willfully disregard its requests, the procedure is apt to be slow, costly and often self-defeating because of the ill will it creates. In the last analysis the authority of the Commission rests on the support it receives from those who initially created it, from those who reside or do business in the Historic District, and from those in the larger community who value the advantages it provides.

Appeals. Any person aggrieved by any decision of the Commission may appeal to the Superior Court within fifteen days of receiving written notification of the decision.

Exceptions

A Certificate of Appropriateness is not required for the following:

Repair or Replacement of Previously Existing Features. Provided the new is identical to the old with respect to form, size, material, and (in the case of signs) lettering.

Paint Colors. Although the Commission may properly consider the texture and color of materials, Connecticut statutes give historic district commissions no jurisdiction over paint colors. It is expected, however, that persons residing or doing business on Lyme Street will select colors that conform to the general character of the District. The Commission is glad to assist with the selection of appropriate colors.