

**75. ORDINANCE ESTABLISHING THE EASTERN POINT HISTORIC DISTRICT
(DECEMBER 3, 1990)**

Section 1. AUTHORITY

This Ordinance is enacted pursuant to Sections 7-147a through 7-147k, as amended, of the Connecticut General Statutes.

Section 2. PURPOSE

It is the intent of this Ordinance to promote the educational, cultural, economic, and general welfare of the public, and to preserve and protect the character and flavor of Eastern Point, a turn-of-the-century seaside area, including buildings and structures of historic architectural design, and natural places in the public interest, as fixed and defined on a certain map properly entitled and dated.

Section 3. BOUNDARIES

The boundaries of said Historic District are hereby fixed and defined as follows:

Beginning at a point in the easterly shore of the Thames River and the southwesterly corner of land belonging to Ethel Orkney;

Thence running easterly along the southerly line of land belonging to said Orkney to the southeasterly corner of land belonging to said Orkney and in the northerly line of Shore Avenue;

Thence running easterly along the northerly line of Shore Avenue to the westerly line of Circle Avenue;

Thence running northerly along the westerly line of Circle Avenue to a point opposite the southwesterly corner of land belonging to Patricia Rabitaille;

Said last two courses bounded northerly and westerly by land of said Orkney;

Thence running easterly across Circle Avenue to the southwesterly corner of land belonging to said Rabitaille and the easterly line of Circle Avenue;

Thence continuing easterly along the southerly line of land belonging to said Rabitaille to the southeasterly corner of land belonging to said Rabitaille;

Thence running northerly along the easterly line of land belonging to said Rabitaille, the easterly line of land belonging to Pfizer, Inc., formerly of Douglas Alves, to the northwesterly corner of other land of said Pfizer, Inc., formerly of Richardson;

Thence running easterly 103 feet more or less along the northerly line of land belonging to said Pfizer, Inc., to a corner;

Thence running northerly 8 feet more or less to the southerly line of other land belonging to Pfizer, Inc., said last two courses bounded southerly and easterly by land belonging to said Pfizer, Inc., formerly of said Richardson;

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Thence running easterly along the division line of land belonging to said Pfizer, Inc., to the northeasterly corner of land belonging to said Pfizer, Inc., formerly of Ann L.H. Bailey, and in the southerly line of other land of said Pfizer, Inc.;

Thence running southerly along the easterly line of land belonging to said Pfizer, Inc., to the northerly line of Meech Avenue and the southeasterly corner of land belonging to said Pfizer, Inc.;

Thence running southwesterly across Meech Avenue to the southerly line of Meech Avenue and the northeasterly corner of land belonging to Pfizer, Inc., formerly of Raymond and Patricia Holmes;

Thence running southerly along the easterly line of land belonging to said Pfizer, Inc., to the easterly line of land belonging to Ronald and Karen Tranchida, and along the easterly line of land belonging to George and Linda McLaughlin to the southeasterly corner of land belonging to said McLaughlin and in the northerly line of land belonging to Stanley King;

Thence running easterly along the northerly line of land belonging to said King to the northwesterly corner of land belonging to Estelle Burdick;

Thence running southerly along the westerly line of land belonging to said Burdick and along the westerly line of land belonging to Dorothy Bielecki to the southwesterly corner of land belonging to said Bielecki;

Thence running easterly along the southerly line of land belonging to said Bielecki to the westerly line of Eastern Point Road and the northeasterly corner of land belonging to said Pfizer, Inc., formerly of Sanford Meech;

Thence running southerly along the westerly line of Eastern Point Road and the easterly line of land belonging to said Pfizer, Inc., to the southeasterly corner of land belonging to said Pfizer, Inc., formerly of Milton O. Slosberg, said point being located in the westerly line of Eastern Point Road and in the northerly line of Avery Street;

Thence running southwesterly across Avery Street to the southerly line of Avery Street and the northeasterly corner of land belonging to Pfizer, Inc.;

Thence running southerly along the easterly line of land belonging to said Pfizer, Inc., to the southwesterly corner of land belonging to Remo and Mary Fusconi;

Thence running southeasterly along the southerly line of land belonging to said Fusconi to the northwesterly corner of land belonging to Herbert and Bette Thomson;

Thence running southerly along the westerly line of land belonging to said Thomson to the northeasterly corner of land belonging to Warren Wildes;

Thence running westerly to the northwesterly corner of land belonging to William and Ruth Connolly;

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Thence running southerly to the southwesterly corner of land belonging to said Connolly and in the northerly line of Central Avenue;

Thence running westerly along the northerly line of Central Avenue to the southeasterly corner of land belonging to Betsy Chickering;

Thence running southerly across Central Avenue to the southerly line of Central Avenue and the northeasterly corner of land belonging to Jonathan Johnson;

Thence running southerly along the easterly line of land belonging to said Johnson to the southeasterly corner of land belonging to said Johnson and in the northerly line of land belonging to Anthony and Andrea Skiff;

Thence running easterly along the northerly line of land belonging to said Skiff to the northeasterly corner of land belonging to said Skiff;

Thence running southerly along the easterly line of land belonging to said Skiff, the easterly line of land belonging to Thomas and Charlene Hill to the southeasterly corner of land belonging to said Hill and in the northerly line of Tyler Avenue;

Thence running southeasterly across Tyler Avenue to the southerly line of Tyler Avenue and the northeasterly corner of land belonging to Robert and Lois Geary;

Thence running southerly along the easterly line of land belonging to said Geary to the southeasterly corner of land belonging to said Geary;

Thence running westerly along the southerly line of land belonging to said Geary to the easterly line of Shore Avenue and the southwesterly corner of land belonging to said Geary;

Thence running southerly along the easterly line of Shore Avenue to the southwesterly corner of land belonging to Waldron and Emily Higgins and in the northerly line of Beach Pond Road;

Thence running southeasterly across Beach Pond Road to the southerly line of Beach Pond Road and the northwesterly corner of land belonging to Joseph and Paula Zepperi;

Thence running southerly along the westerly line of land belonging to said Zepperi to the shore of Fishers Island Sound and the southwesterly corner of land belonging to said Zepperi;

Thence continuing southerly to a point being located in Fishers Island Sound, said point being located in the most southerly boundary line of the City of Groton;

Thence running westerly along the southerly line of the City of Groton to the division line between the City of New London and the City of Groton;

Thence running northerly by said division line to a point being located where said division line forms a right angle with the point and place of beginning;

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Thence running easterly from said point to the point and place of beginning;

Said District includes the New London Ledge Lighthouse within its boundaries.

Section 4. THE COMMISSION

- a. **ESTABLISHMENT** - An Eastern Point Historic District Commission is hereby established which shall have such powers and limitations and perform such functions as shall be prescribed under the General Statutes of Connecticut and as provided in this Ordinance.
- b. **COMPOSITION** - The Commission shall consist of five members and three alternate members who shall be electors of the city holding no salaried city office. At least three of the members and two alternates shall reside in the Historic District under the jurisdiction of the Commission, if any persons reside in any such district and are willing to serve on such Commission. (Connecticut General Statutes 7-147c(d)).
- c. **TERMS** - The terms of the original members of the Commission shall be such that the term of at least one regular member and one alternate member shall expire each year. Their successors shall be appointed for terms respectively of five years for regular members and five for alternate members, except that an appointment to fill a vacancy shall be for the duration of the unexpired term. Any member or alternate may be reappointed.
- d. **OFFICERS** - Within thirty (30) days after appointment of the original members of the Commission, and annually thereafter, the regular members shall meet and elect officers as specified in section 7-147d of the Connecticut General Statutes. Alternate members shall not participate in the vote for election of officers of the Commission.
- e. **APPOINTMENT** - Members shall be appointed within thirty (30) days of the passage of this Ordinance. Appointments shall be made by the Mayor with the approval of the City Council.
- f. **QUORUMS** - Three members or designated alternates of the Commission shall constitute a quorum for the transaction of its business or the performance of its functions. The affirmative vote of at least three members or designated alternates shall be necessary for the approval of a Certificate of Appropriateness.
- g. **DESIGNATION OF ALTERNATES** - When a member of the Commission is unavailable to act at a particular time due to absence, sickness, conflict of interest, or other good reason, the Chairman shall designate an alternate member to act in place of such, choosing alternates in rotation so that they act as nearly equal a number of times as possible. When acting in accord with the provisions of this section, alternates shall have all the powers and duties of a member of the Commission.
- h. **POWERS OF THE COMMISSION**
- (a) The Commission shall be vested with all powers and shall faithfully perform all duties imposed upon historic district commissions in Section 7-147c to 7-147h, inclusive, of the General Statutes of Connecticut, as amended. The Commission shall fix the time and place of its regular meetings and

provide a method for calling special meetings. It shall adopt rules of procedure. The presence of three members or alternate members shall constitute a quorum, and no resolution or vote, except a vote to

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adjourn or to fix the time and place of its next meeting, shall be adopted by less than three affirmative votes. The Commission may adopt regulations to provide guidance to property owners as to factors to be considered in preparing an application for a Certificate of Appropriateness.

- (b) The Commission may:
- i) provide information to property owners and others involving the preservation of the Historic District;
 - ii) initiate planning and zoning proposals;
 - iii) cooperate with other regulatory agencies and civic organizations and groups interested in historic preservation;
 - iv) comment on applications for zoning variances and special exceptions where they affect the Historic District;
 - v) render advice on sidewalk construction and repair, tree planting, street improvements, and the erection or alteration of public buildings not otherwise under its control where they affect historic districts;
 - vi) furnish information and assistance in connection with any capital improvement program involving historic districts.

Section 5. CERTIFICATE OF APPROPRIATENESS

No building or structure within the Historic District shall be erected, restored, moved, or altered until after an application for a Certificate of Appropriateness as to exterior architectural features has been submitted to the Commission and approved by said Commission. "Exterior architectural features" means such portion of the exterior of a structure or building as is open to view from a public street, way, place, or waterway.

No building permit for erection of a building or structure or for alteration of an exterior architectural feature within the District and no demolition permit for demolition or removal of a building or structure within the District shall be issued by the city or any department, agency, or official thereof until a Certificate of Appropriateness has been issued. A Certificate of Appropriateness shall be required whether or not a building permit is required.

The style, material, size, and location of fences, outdoor signs, and bill posters within the District shall be subject to the approval of the Commission.

The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure nor to any interior arrangement or use of any building or structure.

If the Commission determines that the proposed erection, alteration will be appropriate, it shall issue a Certificate of Appropriateness.

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a. **EXTERIOR FEATURES** - In passing on appropriateness as to exterior architectural features, buildings, or structures, the Commission shall consider, in addition to other pertinent factors, the type and style of exterior windows, doors, light fixtures, signs, aboveground utility structures, mechanical appurtenances, and the type and texture of building materials.

In passing upon appropriateness as to exterior architectural features, the Commission shall also consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, scale, general design, arrangement, texture, and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of other buildings and structures in the immediate neighborhood.

b. **PARKING** – In passing upon appropriateness as to parking, the Commission shall take into consideration the size of such parking area, the visibility of cars parked therein, the closeness of such area to adjacent buildings and other similar factors.

c. **SOLAR ENERGY SYSTEMS** - No application for a Certificate of Appropriateness for an exterior architectural feature, such as a solar energy system, designed for the utilization of renewable resources shall be denied unless the Commission finds that the feature cannot be installed without substantially impairing the historic character and appearance of the District. A Certificate of Appropriateness for such a feature may include stipulations requiring design modifications and limitations on the location of the feature which do not significantly impair its effectiveness.

Section 6. APPLICATION FOR CERTIFICATE. HEARING. APPROVAL.

(a) The Commission shall hold a public hearing upon each application for a Certificate of Appropriateness unless the Commission determines that the application involves items not subject to approval by the Commission. Notice of Publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the City of Groton not more than fifteen (15) days no less than five (5) days before such hearing.

(b) Unless otherwise provided by local ordinance, a majority of the members of the Commission shall constitute a quorum and the concurring vote of a majority of the members of the Commission shall be necessary to issue a Certificate of Appropriateness. Within not more than sixty-five (65) days after the filing of an application as required by Section 7-147d of the Connecticut General Statutes the Commission shall pass upon such application, and shall give written notice of its decision to the applicant. Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the Historic District which does not involve a change in the appearance or design thereof, nor to prevent the erection or alteration of any such feature which the building inspector or other similar agent certifies is required by the public safety because of any unsafe or dangerous condition caused by deterioration; nor to prevent the erection or alteration of any such feature under a permit issued by a building inspector or similar agent prior to the effective date of establishment of this Historic District.

When a Certificate of Appropriateness is denied, the Commission shall place upon its records and in the notice to the applicant the reasons for its determination, which shall include the bases for the conclusion that the proposed activity would not be appropriate. In the notice to the applicant the Commission may make

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recommendations relative to design, arrangement, texture, material, and similar features. The Commission may issue a Certificate of Appropriateness with stipulations. Evidence of approval, as referred to in Section 6 (b), shall be by Certificate of Appropriateness issued by the Commission. Failure of the Commission to act within said sixty-five (65) days shall constitute approval and no other evidence of approval shall be needed.

Section 7. VARIATIONS, PERMISSIBLE WHEN

Where, by reason of topographical conditions, District borderline situations, or because of other unusual circumstances solely with respect to a certain parcel of land and not affecting generally the District in which it is situated, the strict application of any provisions of this Ordinance would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, the Commission, in passing upon applications, shall have power to vary or modify strict adherence to this Ordinance, or to interpret the meaning of this Ordinance, so as to relieve such difficulty or hardship; provided such variance, modifications or interpretation shall remain in harmony with the general purpose and intent of this Ordinance, so that the general character of the District shall be conserved and substantial justice done.

In granting variances, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgement, better fulfill the purpose of this Ordinance. In addition to the filing required under the ordinance, the Commission shall, for each variance granted, place upon its records and in the notice to the applicant the reasons for its determination.

Section 8a. VIOLATIONS

The owner or agent of any building, structure, or place where a violation of any provision of this Ordinance, has been committed or exists, or the lessee or tenant of an entire building, entire structure, or place where such violation has been committed or exists, or the owner, agent, lessee, or tenant of any part of the building, structure, or place in which such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building, structure, or place in which any such violation exists, shall be fined in accordance with Section 7-147h of the Connecticut General Statutes. Each day that a violation continues to exist shall constitute a separate offense. The superior court for the judicial district wherein such violation continues or exists shall have jurisdiction of all such offenses, subject to appeal as in other cases.

If any provision of this Ordinance or any action taken or ruling made by the provision of this Ordinance or of any regulation adopted under this act has been violated, the Commission may, in addition to other remedies, institute an action in the superior court for the judicial district wherein such violation exists, which court shall have jurisdiction to restrain such violation and to issue orders directing that the violation be corrected or removed. Such order may direct the removal of any building, structure, or exterior architectural feature erected in violation of this Ordinance or any bylaw adopted under this Ordinance or the substantial restoration of any building, structure, or exterior architectural feature altered or demolished in violation of this Ordinance or any bylaw or regulation adopted under this Ordinance.

Regulations and orders of the Commission issued pursuant to this Ordinance, shall be enforced by the building inspector, who may be authorized to inspect and examine any building, structure, place, or premises and to require in writing the remedying of any condition found to exist therein or thereon in violation of any provision

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of the regulations or orders made under the authority of this Ordinance or of any regulation or bylaw adopted under this Ordinance.

Section 8b. JUDICIAL RELIEF; APPEALS PROCEDURE

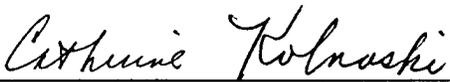
Any person or persons severally or jointly aggrieved by any decision of the Historic District Commission or of any officer thereof may, within fifteen (15) days from the date when such decision was rendered, take an appeal to the superior court for the judicial district in which such municipality is located, which appeal shall be made returnable to such actions brought to such court. Notice of such appeal shall be given by leaving a true and attested copy thereof in the hands of or at the usual place of abode of the Chairman or Clerk of the Commission within twelve (12) days before the return day to which such appeal has been taken. Procedure upon such appeal shall be the same as that defined in Section 8-8 of the Connecticut General Statutes.

Section 9. EFFECTIVE DATE

This Ordinance (Ordinance #75) shall take effect February 6, 1991.

Initially approved: November 5, 1990

Finally approved: December 3, 1990



Catherine Kolnaski, Mayor



James C. Carlson, City Clerk