

2020 Building Better Together (UDO)

 <p>BUILDING BETTER TOGETHER KEENE NEW HAMPSHIRE</p>	 <p>SIMPLE New regulations will be easy to navigate & will include graphics to outline a clear process, from start to finish.</p>	 <p>EFFICIENT The updated structure will provide a set of clear procedures for development queries, & will create a more streamlined application process – eliminating the need to navigate multiple points of contact.</p>	 <p>THOUGHTFUL Although our regulations have worked in the past, they can be outdated & confusing. This update will help guide us into the future, while protecting the crucial elements that make this a great place to live, work, & play.</p>	<p>Historic District Regulations</p> <p>Draft as of June 13, 2019</p>
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BACKGROUND:

The Historic District Commission (HDC) Regulations were first adopted in June 2009, following the formation of a downtown historic district zoning overlay in the City’s downtown. The HDC Regulations currently apply to all buildings, structures, and sites within the downtown overlay zone, which was expanded in 2011 to include a portion of Gilbo Avenue. Each property within the historic district was initially ranked as either a Primary or Contributing resource, or a Non-Contributing or Incompatible resource.¹ Primary and Contributing resources have historic or architectural integrity and contribute to the historic district, whereas Non-Contributing and Incompatible resources have low/no historic or architectural integrity and do not contribute to the historic character of the district (or they are newer buildings). The HDC Regulations have more stringent standards for Primary and Contributing Resources. In addition, they currently contain a significant amount of educational/background information and design *guidelines*, which are distinct from design *standards* and are meant as suggestions for property owners within the historic district.

SUMMARY OF MAJOR CHANGES & REASONS:

Staff are proposing that the HDC Regulations would apply only to historic buildings and structures which are 50 years old or more (i.e. built within the “Period of Significance”), rather than all buildings and structures. This would reduce the number of buildings/structures that fall under the purview of the HDC from 196 to 167. As buildings attain significance (i.e. reach 50 years), they would be ranked as either Primary, Contributing, Non-Contributing, or Incompatible by the HDC and would be subject to the HDC Regulations from that point forward.

Other major changes include the following:

- Removed “Article V. - Historic Districts” from Chapter 18 of City Code and combined with the HDC Regulations to keep all HDC information in one place.
- Increased the number of activities that could be approved administratively by staff for Non-Contributing and Incompatible Resources.
- Removed “design guidelines” from the document to shorten the overall length and reduce confusion between “design standards” and “design guidelines.”
- Shortened background sections within the design guidelines to be more concise and reduce the document length.
- Added design standards for art, which would apply only to art attached to an historic building or structure, such as a mural. The standards for murals on unpainted brick or stone masonry were moved to this section (previously, they were included under the section on “masonry”).
- Re-organized the sections on “Building Rehabilitation” to reduce repetition of information and shorten the length of the document.

¹ There are some properties within the historic district which have not yet been ranked, either because they are new buildings that were built after the initial ranking was completed, or because they are located in the Gilbo Avenue extension that was added after the initial ranking was completed. The HDC is planning to work with the Heritage Commission to rank these properties over the next two years.

REMAINING ISSUES/QUESTIONS

- Depending on how the Downtown Form-Based Code portion of the project unfolds, there are several sections of the HDC Regulations that may or may not remain (i.e. paving standards, standards for dumpsters and bulk waste containers, lighting, etc.). These sections will be re-visited once the proposed Form-Based Code standards are clearly defined.
- Staff received feedback from the HDC and others that the term “Incompatible” may not be the best term to describe properties within the downtown that do not conform with the historic district standards; staff are considering whether to combine the “Non-Contributing” and “Incompatible” categories into one category called “Non-Conforming” to better describe the status of these properties.
- Staff have determined that graphics and images could help communicate/clarify the design standards (e.g. a graphic that shows window features). At this time, these graphics have not been developed, but may be developed at a future date along with graphics for the rest of the UDO document.
- The HDC may consider creating an educational design guide at a future date for buildings within the historic district which could include the design guidelines and background information that were removed from the HDC Regulations.

ALIGNMENT WITH PROJECT GOALS:

1. Simple. The updated HDC regulations will be more concise and will include tables and graphics to make it easier for the user to understand and navigate the document.
2. Efficient. The proposed changes would increase efficiency by removing the requirement for newer buildings to go through the HDC process, increasing the number of projects that can be approved administratively by staff, and placing all standards related to the HDC in one chapter.
3. Thoughtful. In response to increased interest within the community to incorporate arts into the downtown, standards for artwork attached to historic structures have been developed and added to the regulations to make the standards and process for art installations transparent and clear.

ATTACHMENTS:

- A. Proposed/revised Historic District Regulations dated March 6, 2019
- B. List of property rankings within the downtown historic district.

DRAFT DOWNTOWN HISTORIC DISTRICT REGULATIONS

1. PURPOSE

The purpose of the Downtown Historic Overlay District is to recognize, preserve, enhance and perpetuate buildings, structures, and sites within the city having historic, architectural, cultural or design significance.

2. APPLICABILITY

- A. District Map.** The Downtown Historic District includes all structures and land located within the overlay district boundaries described in the map "Downtown Historic Overlay District Amendment" dated September 1, 2009. This map is incorporated as part of this LDC and adopted as an overlay to the official zoning map of the City of Keene.
- B. Period of Significance.** These Regulations shall apply to all buildings or structures located within the Downtown Keene Historic District that were constructed during the "Period of Significance." The Period of Significance is the span of time during which the district attained its significance. This period starts in 1785, the year the oldest existing building was constructed, and ends 50 years from present time, as events and buildings within the district continue to achieve importance. The 50-year benchmark coincides with that recognized by the National Park Service in its preservation programs.
- C. Activities Requiring a Certificate of Appropriateness:** The activities listed below shall require a Certificate of Appropriateness issued by the Historic District Commission or its designee.
1. Alteration, relocation, or demolition of a building or structure.
 2. Construction, alteration or relocation of any architectural feature of an existing building or structure that is visible from a public right-of-way or other public place.
 3. Installation of new paving (excluding maintenance of existing paved areas).
 4. Removal of one or more trees in excess of 15 inches in diameter at a height of four feet above grade, except where removal of such tree(s) is necessary for safety reasons as determined by a professional arborist or other qualified professional.
 5. Removal of stone wall(s), granite post(s), iron fence(s) or any portion thereof.
 6. Addition or alteration of existing exterior siding (e.g. vinyl, aluminum, stucco, wood, glass, etc.) of a building or structure.
 7. Painting in part or whole of a brick or stone masonry building or structure.
 8. Chemical or physical treatment to the exterior of a building, (including paint removal) such as sandblasting or abrasive cleaning.
 9. Installation of a bulk container, a waste storage container, a container pad, and/or screening of a container if visible from a public way.
 10. Installation of a satellite dish and/or telecommunications facilities on an existing building, structure or site if visible from a public way.
 11. Installation of renewable energy systems on an existing building, structure or site if visible from a public way.
- D. Exemptions:** The activities listed below shall not require a Certificate of Appropriateness from the Historic District Commission.
1. Buildings or Structures not built within the Period of Significance, including new free-standing buildings and structures.
 2. Work not visible from a public street or place. Any work or alteration to an existing building, structure or site that is not visible from a public street, way, park or other public place.
 3. Ordinary maintenance and repair of a building, structure or site. Ordinary maintenance and repair is defined as any work, the sole purpose and effect of which is to prevent or correct deterioration, decay or

damage, including repair of damage caused by fire or other disaster and which does not result in a change to the historic appearance and materials, or alter the character defining features of the building, structure or property. In terms of masonry repair, this may involve in-kind, spot replacement of masonry units that are damaged or broken.

4. Painting or repainting of a wood surface and/or an already painted brick, stone, or masonry building or structure, unless the paint job involves repainting or covering an historic painted advertisement, sign or artwork (e.g. Coca Cola painted signs), or painting over a mural that was previously approved by the HDC.
5. Alteration or replacement of any existing roof covering or surface, provided that said alteration or replacement is with the same material, patterns, and colors of the existing roof covering or surface and provided the roof plane remains the same.
6. Installation or replacement of storm doors and storm windows provided that the original architectural features are not altered, removed or demolished.
7. Removal of trees of any size that are dead or diseased, or have otherwise been recommended for removal for safety reasons, as determined by a professional arborist or other qualified professional and documentation of the recommendations has been submitted to the Community Development Department.
8. Installation of outdoor features, including benches, sculptures and other outdoor artwork not attached to an historic building or structure, trellises and surface patios that do not disturb any historic site features.

3. PROJECT CLASSIFICATION

- A. An applicant proposing any activity set forth in **Section 2.c)** of these Regulations shall meet with the Community Development Director or their designee prior to commencing work and/or submitting an application for activities subject to a Certificate of Appropriateness. Within 5 business days of the pre-application conference, the Community Development Director or their designee shall evaluate the proposal and classify the project as either Major or Minor according to this section of the LDC.
 1. **Minor Project.** Minor Projects shall require a Certificate of Appropriateness issued by the Community Development Director or their designee according to these regulations. A Minor Project is defined as any work including alteration or modification to one or more of the items listed in **Table X.**
 2. **Major Project.** Major Projects shall require a Certificate of Appropriateness issued by the Historic District Commission according to these regulations. A Major project is defined as any work including alteration or modification to one or more of the items listed in **Table X.**

TABLE X. MINOR PROJECT REVIEW THRESHOLD CRITERIA

Primary / Contributing Resources	Non-Contributing / Incompatible Resources
a) Extensions to the expiration date of Certificates of Appropriateness where there is no change in project scope or specifications	a) Any activities classified as "Minor" for Primary/Contributing Resources shall also be considered "Minor" for Non-Contributing/Incompatible Resources
b) Replacement of less than 25% of existing exterior siding and/or trim when there is no change in general appearance	b) Removal, relocation or demolition of an existing building or structure
c) Repair or repointing of masonry when there is no change in materials or general appearance	c) Installation of prefabricated accessory buildings or structures with a floor area that does not exceed 125 square feet

d) Installation of fences	d) Replacement of existing windows and doors or the installation of new windows or doors in former or existing openings
e) Installation of HVAC and other mechanical equipment	e) Replacement of exterior masonry walls
f) Removal of non-historic elements that are determined to conceal character-defining features	f) Changes to exterior materials other than those classified as minor projects
g) Replacement of two or less windows or doors during the course of one calendar year (beginning with the date of approval)	g) Chemical or physical treatment to the exterior of a building or structure
h) Installation of or changes to light fixtures that do not alter character defining features	i) Installation of satellite dishes or telecommunications facilities
	j) Installation of dumpster, dumpster enclosure or dumpster pad
	k) Changes to grading
	l) Installation of renewable energy systems

TABLE X. MAJOR PROJECT REVIEW THRESHOLD CRITERIA

Primary / Contributing Resources	Non-Contributing / Incompatible Resources
a) Any activities classified as "Major" for Non-Contributing/ Incompatible Resources shall also be considered "Major" for Primary/Contributing Resources	a) Renovation, rehabilitation or restoration of a building or structure
b) Removal, relocation or demolition of an existing building or structure	b) Additions to a building or structure
c) Replacement of exterior masonry walls	c) Alterations to storefronts
d) Changes to exterior materials other than those classified as minor projects in Table X	d) Creation of new openings for windows or doors
e) Chemical or physical treatment to the exterior of a building or structure	e) Painting of a previously unpainted brick or stone masonry building or structure
f) Installation of prefabricated accessory buildings or structures	f) Installation of decks, patios or pools
g) Changes to grading	g) Installation of art attached to a building or structure
h) Installation of dumpster, dumpster enclosure or dumpster pad	h) Removal of trees in excess of 15 inches in diameter at a trunk height of 4 feet above grade
i) Installation of renewable energy systems	i) Installation of prefabricated accessory buildings or structures with a floor area which exceeds 125 square feet.
j) Replacement of more than 2 windows or doors during the course of one calendar year	

- k) Installation of satellite dishes or telecommunications facilities

- B. Projects that meet the major project threshold criteria may be considered to be minor projects if proposed on properties designated as Non-Contributing or Incompatible Resources and the Community Development Director or their designee determines that such a project does not warrant review and approval by the Historic District Commission.

4. DESIGN STANDARDS

A. Streetscape and Building Site

1. **Trees.** Keene's mature tree canopies are one of the most appreciated characteristics of the Downtown Historic District. Many sites within the District are favored with mature trees, which serve as windbreakers, visual screens and add beauty. Large trees provide shade, which can protect roofing materials and promote energy efficiency.

a) Design Standards

- 1) Trees that exceed 15" in diameter at a height of 4' above grade shall be retained, unless removal of such tree(s) is necessary for safety reasons as determined by a professional arborist or other qualified professional.
- 2) Grading or changes to the site's existing topography shall not be allowed if existing mature trees might be negatively impacted by altered drainage and soil conditions.
- 3) During construction, paving, and any site work, existing mature trees shall be protected.
- 4) If a mature tree is damaged during construction or removed without approval, it shall be replaced with a new tree of the same or similar species that is at least 3 inches in diameter, as measured 24 inches from the ground after planting.

2. **Fences, Walls, Posts and Site Features.** Fences, walls and posts are important components of an historic setting and are found on many lots within the Historic District where there are former residences. Few of these fences survive today, although the granite posts often remain. Some sites in the Historic District have dressed granite posts at the entrance to the driveway and walkways. On a few sites, granite mounting blocks are still present.

a) Design Standards

- 1) Historic fences, walls, posts and granite site features, including but not limited to mounting blocks, shall not be removed from the site on which they are located, and every effort shall be made to leave them undisturbed.
- 2) New fences or walls shall be simple in design and shall complement the materials and design of the building(s) on the site and the character of the site itself.
- 3) Fences and walls along the street frontage shall be no higher than 4 feet, unless it can be documented that a higher fence existed historically.
- 4) Chain link fencing and chain link fencing with slats shall be prohibited.

3. **Walkways, Driveways, Alleys, and Parking Areas.** Within the areas of the Historic District that are currently or were formerly residential, driveways and curb cuts are generally narrow in width and lead directly to a rear parking area, barn, carriage house or garage. Walkways tend to be brick, asphalt or concrete, sometimes with granite or marble inset slabs, and lead directly from the public sidewalk to the front steps of the house. Traditionally, parking areas were limited to the rear of the building, close to the barn, carriage house or garage. As residences have been converted to commercial use,

parking has sometimes moved forward to disturb the side or front yards. Within the commercial and industrial areas of the district, parking was traditionally placed to the rear of buildings and accessed via service drives or alleyways.

a) Design Standards

- 1) Every effort shall be made to retain the location and configuration of historic driveways, walkways and alleys, as well as their historic materials, if granite, marble or brick.
- 2) New driveways on sites with residences or converted residences shall lead directly to the parking area, and new walkways shall lead directly to the front steps of the house, unless it can be documented that a different pattern existed historically.
- 3) Curb cuts for driveways on sites with residences or converted residences shall be the **width of a single travel lane.**
- 4) New onsite parking, if required, shall be unobtrusive, with appropriate screening and landscaping, and shall preserve any character-defining features of the site. Grading shall not dramatically alter the topography of the site or increase water runoff onto adjoining properties.
- 5) Where appropriate, parking and access drives shall be shared, in order to reduce the amount of paved surface.
- 6) For new construction, and on sites with residences or converted residences, parking shall be located to the rear of the backline of the building or the backline of the main block of the building, as applicable. Every effort shall be made to locate parking behind the building(s).

4. Utility, Service and Mechanical Equipment. Though seldom present historically, provisions nevertheless need to be made to incorporate modern utility, service and mechanical systems and equipment into historic buildings and sites. However, if not carefully planned, the placement of such items can diminish the character of properties.

a) Design Standards

- 1) On commercial and industrial buildings, mechanical equipment, such as compressor units, shall be set back on the roof of the building, so as to be minimally visible, or ground-mounted toward the rear of the building, with appropriate screening or landscaping to minimize visibility.
- 2) Every effort shall be made to position heating and air-conditioning equipment, fire alarm panels, telecommunications equipment, satellite dishes, and free-standing antennas and other equipment as low to the ground as possible, and where they are not readily visible from the public right-of-way.
- 3) On commercial and industrial buildings, satellite dishes and antennas shall be located on the roof, as close to the center as possible, so as to be invisible from the street.
- 4) New mechanical supply lines, pipes and ductwork shall be placed in inconspicuous locations and/or concealed with architectural elements, such as downspouts.
- 5) Bulk waste containers and waste storage containers shall be located – and appropriately screened—so as to be as inconspicuous as possible from the public right-of-way and adjacent buildings in residential use. In addition:
 - i. Bulk waste and waste storage containers shall be located in rear or side yards and shall be to the rear of the front line of any building;
 - ii. Screening shall be required if any portion of the bulk waste or waste storage container is visible from the public way;
 - iii. Screening shall consist of a solid wall or fence and a gate. Screening shall be a minimum of 6 feet in height or a height equal to the height of the waste container if the container height is greater than 6 feet;
 - iv. Screening shall be of a material, color, size, and pattern compatible with the building(s) or structure(s) on the site;

- v. Chain link fence or chain link fence with interwoven slats shall not be acceptable screening.
 - 6) Walls on front or street-facing facades shall not be penetrated for vent openings larger than 70 square inches. Vent caps shall not be larger than 200 square inches.
- b) Projects that do not require COA
- 1) Gas, electric, telephone or other utility meters, if they are not located on the front or street-facing façade of a building
 - 2) Roof antennas or satellite dishes that are less than 24 inches in diameter
 - 3) Air-conditioning window units
 - 4) New wall vent openings and caps that are less than 16 square inches regardless of their placement.

5. Renewable Energy Systems. While renewable energy systems were not historically present within the Downtown Historic District, modern technologies can allow for significant improvements to historic properties without compromising the historic value of the structure or site. When planning the installation of a renewable energy system, the overall objective is to protect the historic integrity of the property and its environment while accommodating system siting requirements for energy production.

a) Design Standards

- 1) The renewable energy system (hereafter “system”) shall be installed in a location and manner on the building or lot that is least visible and obtrusive and in such a way that causes the least impact to the historic integrity and character of the historic building, structure, site or district while maintaining efficient operation of the system. The order of preference for the system location is as follows:
 - i. The rear or side of the property not facing a public right-of-way;
 - ii. On accessory buildings or structures (such as sheds and garages) in a location that is least visible from the public right-of-way;
 - iii. On newer additions to the primary structure in a location that is least visible from the public right-of-way;
 - iv. On the flat roof of the primary structure, set back so as to be in the least visible location;
 - v. On secondary façades or roofs (i.e. not facing the public way) of the primary structure; and
 - vi. On facades or roofs facing the public way. An applicant is required to prove the higher priority locations are not feasible in order for the Historic District Commission to approve system installations on more significant parts of the site.
- 2) The system must be installed in such a manner that it can be removed and not damage the historic building, structure, or site it is associated with.
- 3) In order to minimize visual impacts, colors of equipment and assemblies shall either be muted or shall match nearby materials and colors, and solar panels shall have anti-reflective coating.
- 4) Roof mounted solar photovoltaic systems on pitched roofs shall be on the same plane as the roof and positioned so as to be in the least visible location.
- 5) Solar array grids should be regular in shape and jointed. Multi-roof solutions should be avoided.
- 6) All supplementary equipment and supply lines shall be placed in inconspicuous locations and/or concealed from view with architectural elements (e.g. downspouts) or other screening.

B. Building Rehabilitation: All Resources (*Primary, Contributing, Non-Contributing, and Incompatible buildings or structures that were built within the Period of Significance*)

1. General Standards

- a) All Resources
 - i. Materials used for siding shall be those that are common in the district. Acceptable materials include brick, stone, terra cotta, wood, metal and cement clapboard. Materials commonly referred to as “vinyl siding” are inappropriate contemporary materials and are therefore prohibited except when repairing existing vinyl siding.
 - ii. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
 - b) Primary and Contributing Resources
 - i. Each building or structure shall be recognized as a physical and cultural record of its time, place and use. As such, the historic character of a building or structure shall be retained and preserved.
 - ii. Deteriorated historic features significant to the building or structure shall be repaired, rather than replaced. If replacement is necessary due to extreme deterioration, the new feature shall match the historic in size, design, texture, color and, **where possible, materials**. The new feature shall maintain the same visual appearance as the historic feature.
 - iii. All architectural changes shall be appropriate either to the original style or appearance of the building or structure (if it has not been significantly altered) or to its altered style or appearance (if it has been altered within the Period of Significance and those alterations have attained significance).
 - c) Non-Contributing and Incompatible Resources
 - i. Restoration, rehabilitation, and/or alterations shall be based on physical, pictorial or documentary evidence and any surviving character-defining features shall be preserved.
 - ii. Alterations shall not further disrupt or detract from the established historic architectural character of the surrounding area, nor to the relationship of any existing historical resources, including site features, on the site.
2. **Masonry.** The vast majority of the historic buildings in the Historic District are constructed of brick, much of which was produced locally. Granite, cast stone and concrete block round out the variety of masonry used for the walls of buildings. Brick, granite, sandstone, terra cotta and cast stone are used decoratively for window caps, name and date plates, at cornices, on panels and to lend texture and color to wall surfaces. The diverse ways masonry is employed provide interest and richness to the streetscape.

a) Design Standards

- 1) Character-defining architectural trim shall be retained and repaired when technically and economically feasible. If the trim is sufficiently deteriorated that replacement is warranted, the new trim shall match the original in size, scale, placement, and detailing. Where possible, replacement trim should match the original material. If substitute material is used, it shall convey the same visual appearance as the historic trim.
- 2) Masonry shall be cleaned only when necessary to halt deterioration or remove heavy soiling.
- 3) Masonry shall not be sandblasted or abrasively cleaned, but cleaned with the gentlest method possible, such as low-pressure cleaning not to exceed 400 PSI, using water or detergents.
- 4) Limestone and marble shall not be cleaned with an acidic cleaner, as it may dissolve the surface.
- 5) If currently unpainted, masonry other than concrete masonry shall not be painted, unless there is physical, pictorial or documentary evidence that the building was historically intended to be painted or unless a painted mural is proposed which meets the design standards set forth in **Section XIII.B.3 – Public Art**.
- 6) Repointing shall be undertaken only to address deteriorated masonry or in areas where moisture infiltration is a problem. The amount of wall area to be repointed shall be limited to the affected

area. The new mortar joints shall match the original as closely as possible in terms of profile, width, and mortar composition. The new mortar shall match the color of the mortar used when the building was built; or it shall match aged or weathered mortar color, whichever is more appropriate. The color of all mortar shall come from the aggregate and not the binder. Upon completion of the repointing, all remaining mortar and residual film shall be cleaned from the façade of the building.

- 7) Brick walls that require repair with replacement brick shall be repaired with bricks that match the original as closely as possible in terms of size, color and texture.
- b) Projects that do not require COA
- 1) Painting previously painted masonry surfaces, unless the paint job involves repainting or covering a painted advertisement, sign or artwork.
 - 2) Painting unpainted concrete surfaces.
3. **Art.** Installation of art in the downtown creates focal points, destinations and vitality in or near public places, such as landscaped areas, sidewalks, pocket parks, and pedestrian plazas. The “Parrish Shoes” mural on the Elliot Block building and the “Coca-Cola” mural on the Warren Block building are examples of existing art that add to the vibrancy of downtown Keene.
- a) General Design Standards
- 1) Artwork shall not conceal or result in the removal of character-defining details or architectural features.
 - 2) Wall-mounted art, such as murals, mosaics or metal installations, shall be located to avoid areas that are important to the overall design or architectural rhythm of the building.
 - 3) The art installation shall be installed in such a manner that it can be removed and not damage the historic building, structure, or site it is associated with.
 - 4) Accessories to the artwork such as mounting hardware or lighting should be unobtrusive and screened from view as much as possible. If visible, colors of equipment and accessories shall either be muted or shall match nearby materials and colors.
- b) Design Standards for Murals on Unpainted Brick or Stone Masonry Surfaces
Murals proposed for unpainted brick or stone masonry surfaces on a building or structure shall meet all of the following criteria:
- 1) The mural will enhance or complement the historic or architectural features of the structure or site, and
 - 2) The mural will enhance or complement the historic character or context of the surrounding area, and
 - 3) The mural will showcase images of local places, people, and/or products that have historic significance to Keene and/or the surrounding region, and
 - 4) The mural will be designed by a professional mural artist or sign painter, and
 - 5) The mural is not located on the primary elevation of a Primary or Contributing Resource, and
 - 6) The mural will not cover more than 40% of the surface area of a building or structure façade, and
 - 7) Surface treatments that are appropriate for historic brick or stone masonry materials shall be used. Waterproof coatings are prohibited.
- c) Projects that do not require COA
- 3) Freestanding artwork that is not attached to an historic building or structure, and which does not conceal character-defining features of a Primary or Contributing Resource.

- 4) Painting previously painted masonry surfaces, unless the paint job involves repainting or covering an historic painted advertisement, sign or artwork (e.g. Coca Cola painted signs), or painting over a mural that was previously approved by the HDC.
- 5) Painting unpainted concrete surfaces.

C. Building Rehabilitation: Primary and Contributing Resources

1. **Siding and Architectural Trim.** As a building material, wood has been used in Keene for over 250 years with a proven long life expectancy that is rarely matched by new wood or synthetic materials. Some of the buildings in downtown Keene, particularly those that were built as residences, are sided with wood clapboards. Most of the district's wood-clad buildings exhibit a variety of wood trim, such as decorative shingles, brackets, cornices, frieze boards, corner boards, entrance surrounds, and window and door casings to name the most common. The wood siding and trim add texture and visual interest to the building and the streetscape, as well as express the architectural origins and styles distinctive to that building.

a) Design Standards

- 1) Character-defining architectural trim shall be retained and repaired when technically and economically feasible. If the trim is sufficiently deteriorated that replacement is warranted, the new trim shall match the original in size, scale, placement, detailing, and ideally material. If substitute material is used, it shall convey the same visual appearance as the historic trim.
- 2) If replacing missing architectural trim, the appearance and material of the new trim shall be based on physical, documentary, or pictorial evidence.
- 3) Wood surfaces shall not be sandblasted or high-pressure washed.
- 4) Vinyl and aluminum siding are prohibited.
- 5) Historic siding should be retained when possible. In considering an application for manmade or synthetic siding, the Historic District Commission shall take into consideration the following:
 - i. The condition and type of the existing siding;
 - ii. Whether the new siding will alter or remove any original trim or character-defining features, or affect their arrangement or proportions; and
 - iii. Whether the proportion of the new siding faithfully duplicates the historic material.

b) Projects that do not require COA

- 1) Painting wood siding or trim.
- 2) Repairs to wood siding that do not involve a change in design, dimensions or materials
- 3) Replacing wood siding with new wood siding that matches the existing in exposure, dimensions and texture.
- 4) Repairs to trim that do not involve a change in design, dimensions or materials, or involve its removal.

2. **Roofs and Roof Structures** (including chimneys, dormers, cupolas, iron cresting, flashing, gutters and downspouts). The roof is an important design element of many historic buildings; its shape conveys information about the period of construction, and the roofing material will often reflect locally available materials. Roof shapes, patterns and colors are also important in establishing an historic streetscape. The interplay of roof forms, materials and details helps to give the historic district its unique character. Chimneys, dormers and cupolas, all character-defining features, similarly reflect a building's history and physical appearance, as do trim elements such as cresting.

a) Design Standards

- 1) The original or historic roofline shall not be altered. Raising or lowering the existing roofline shall only be allowed for the purpose of restoring the roof to its original profile.
 - 2) Slate shall be retained, whenever economically feasible. Before slate on a visible roof slope is removed, the applicant shall obtain a written estimate from a roofing contractor highly experienced in slate work with the following information:
 - i. the condition of the existing slate;
 - ii. the percentage of slate that is beyond repair;
 - iii. if some of the slates are salvageable, the cost of using new slate where replacement is warranted and reusing existing slate, including relocating some from non-visible roof slopes, if necessary; and
 - iv. the cost of re-roofing with substitute materials.
 - 3) If slate on the visible portion of the roof warrants replacement, the new material may be replacement slate; slate salvaged from a non-visible portion of the roof; synthetic slate; or asphalt shingles that are similar in color to slate.
 - 4) Character-defining chimneys shall not be removed, unless determined a safety hazard by the Code Inspector, and repair constitutes an economic hardship. Details of these chimneys, such as corbelling, stepped bases, terra cotta chimney pots and paneled sides, shall not be altered.
 - 5) Skylights shall be installed low to the roof, have a flat surface, and dark, non-reflective frames. They shall not be installed on a highly visible roof slope. They are not allowed on mansard roofs or on any polychromatic slate roofs.
 - 6) Historic dormers and cupolas on roofs shall be retained. Expansion of existing dormers or adding new dormers may be approved by the Historic District Commission on a case-by-case basis, provided designs are based on physical, documentary, or pictorial evidence.
 - 7) Iron cresting shall be retained.
 - 8) Unpainted, mill-finished aluminum shall not be used for replacement flashing, gutters, or downspouts.
- b) Projects that do not require COA
- 1) Altering or replacing an existing roof covering or surface, provided that the new covering is with the same material and employs the same patterns and colors as the existing; and provided that the roof plane or profile is not altered
 - 2) Replacing a flat roof that is covered with tar and gravel with a rubber membrane
 - 3) Painting a metal roof

3. **Windows.** Windows in the historic district are usually double-hung, wooden sash windows with a variety of muntin arrangements that reflect the age and style of the building. Many of the brick buildings and a few of the wood-frame residences have arched window openings, sometimes with arched sash, as well – both lend a highly distinctive element to the building and streetscape. Windows with stained or colored glass are also highly distinctive and of particular significance.

a) Design Standards

- 1) Removing character-defining historic window sash shall be discouraged, unless repair is not economically feasible.
- 2) Any windows which are approved for replacement shall convey the same visual appearance in terms of overall dimensions and shape, size of glazed areas, muntin arrangement, and other design details as the historic windows. In addition, they shall have:
 - Clear-paned, non-tinted glass (except to replace historic stained or other types of translucent or opaque glass); and
 - True divided lights or a permanently affixed muntin grid on the exterior of the window. In either instance, the muntin shall have a raised trapezoidal profile. Snap-in or between-glass muntin grids are not allowed.

- 3) If the historic window to be replaced is wood, the replacement window shall also be wood, or wood clad with aluminum or a material of equal quality and approved by the Historic District Commission.
- 4) If the size or location of the original window opening has been altered, owners shall be encouraged to restore those openings if replacing windows.
- 5) Introducing new window openings into the primary elevations shall generally be prohibited.
- 6) Enlarging or reducing the window rough opening to fit new stock windows shall generally be prohibited.
- 7) Exterior blinds/shutters shall be installed only if documentary evidence shows that they are historically appropriate to that building.
- 8) If replacement blinds/shutters are installed, they shall be wood and match the height and one-half the width of the window opening to replicate a traditional blind/shutter. Their design shall be appropriate to the style and period of the building.

b) Projects that do not require COA

- 1) Installing or replacing storm windows, provided that original architectural features are not altered, removed or demolished
- 2) Repairs to windows that do not involve a change in their location, design, dimensions or materials

4. Entrances, doors and porches. Entrances, doors and porches are both functional and prominent visual features, reflecting the architectural style or period(s) of construction of the building. The location, size, shape and type of an entrance, door or porch, as well as any architectural trim, contribute significantly to a building's historic character. Furthermore, the placement and detailing of the entrance conveys information about the historic interior function of the building.

a) Design Standards

(For commercial buildings with storefronts, see also design standards under Storefronts)

- 1) Historic doors, entrances and porches, including their associated features, shall be retained or replaced in-kind. If repair is necessary, only the deteriorated element shall be repaired, through patching, splicing, consolidating or otherwise reinforcing the deteriorated section. If replacement is necessary, the new feature shall match the original in size, design, texture, color and where possible, materials. The new feature shall maintain the same visual appearance as the historic feature.
- 2) Introducing new door openings onto the primary elevations, or enlarging or reducing door openings to fit new stock doors, is prohibited.
- 3) Enclosing a front porch with wood-framed screens is allowed. Screens shall be placed behind posts or balustrades, and shall be removable in the future without damaging historic elements of the porch.

b) Projects that do not require COA

- 1) Repairs to entrances, doors or porches that do not involve a change in their location, design, dimensions or materials
- 2) Installing or replacing storm doors, provided that original architectural features are not altered, removed or demolished.

5. Storefronts. Commercial buildings in downtown Keene were usually designed with a storefront at the ground level, an upper façade with regularly spaced windows, and a cornice that caps the building. Such storefronts were usually the building's most prominent feature, and the building's upper floors related to it. Shifting technological developments and stylistic fashions led to frequent storefront changes, but the overall proportions tended to remain unchanged.

a) Design Standards

- 1) Historic features of the storefront – such as iron or masonry columns or piers, window trim, glass, lintels and cornices, sills, steps, railings and doors – shall be retained and repaired when technically and economically feasible.
- 2) If most of the historic storefront survives and the overall condition of its materials is good, any necessary replacement parts shall match the original or be of a material that conveys the same visual appearance as the historic parts.
- 3) If most or all of the historic storefront does not survive, the storefront shall either be restored to an earlier historic appearance based on physical, documentary, or pictorial evidence; or be redesigned to conform to the size, scale, and proportions of a traditional storefront appropriate to the building.

b) Projects that do not require COA

- 1) Re-glazing windows
- 2) Replacing broken windowpanes
- 3) Repairing parts of the storefront when there is no change in materials or appearance

D. Demolition

The desire to preserve Keene's distinctive architecture must be carefully balanced with the desire to maintain the vibrancy and diversity the downtown. By enacting this Historic District, the city declared that its historic buildings, structures and sites reflect the City's distinctive heritage as it has evolved over a period of several centuries and thus have value and warrant protection. The city further recognized that some buildings and structures – those designated Primary or Contributing resources – play a particular role in defining the city's heritage. Approval for demolition of these resources will be granted only under very limited circumstances.

Applicants shall post a sign identifying the structure as proposed for demolition in a visible location on the premises at least 10 days prior to the public hearing. The sign is available from the Community Development Department and shall be returned prior to an issuance of a Demolition Permit.

a) Design Standards for Primary and Contributing Resources

- 1) Demolition, or partial demolition, of a building and or structure categorized as a Primary or a Contributing Resource, including secondary buildings and structures located on the same property as a Primary or a Contributing Resource, shall be prohibited unless:
 - The applicant can demonstrate that retaining the resource would constitute economic hardship due to unavoidable quantifiable and verifiable expenditures or a fiscal loss that would ensue should the building not be demolished; or
 - The building or structure has been determined structurally unsound, based upon a written technical report prepared by an architect or professional engineer registered in the State of New Hampshire that clearly demonstrates that the building or structure presents a risk to public health, safety and welfare; or
 - Demolition is limited to a secondary building or a free-standing structure on the same property that has not been cited on the survey form as a significant resource or character-defining feature; or
 - The Historic District Commission, by a two-thirds vote, determines that demolition is warranted due to extraordinary circumstances.
- 2) Demolition, or partial demolition, of later additions that are part of a Primary or a Contributing Resource may be allowed. Their removal will be evaluated and determined by the Historic District Commission on a case-by-case basis.

b) Design Standards for Non-Contributing or Incompatible Resources

- 1) Demolition, or partial demolition, of a building or structure categorized as a Non-Contributing or an Incompatible Resource shall be allowed, unless the Community Development Director determines that the proposal warrants review by the Historic District Commission.
- c) Projects that do not require COA
 - 1) Demolition of a free-standing building or structure or of an addition that is not visible from a public right-of-way. If the area to be demolished is screened from the public right-of-way only by landscaping, it shall be considered visible.
 - 2) Demolition of a free-standing building or structure or of an addition that was not built within the Period of Significance.

E. New Construction: Additions

The standards for new construction do not apply to additions to a building constructed outside the Period of Significance or new free-standing structures.

Over the years, a high percentage of the buildings and structures in the district have been enlarged through an addition, a move that is often necessary to assure their continued use. An addition has the potential to radically alter a building's historic appearance, however. A sensitively designed addition will preserve significant historic materials and features, maintain historic character, and make a visual distinction between the old and the new. It will also take the building's context, or immediate surroundings, into account.

- a) Design Standards for Primary and Contributing resources (See also design standards for Streetscape & Building Site)
 - 1) Additions shall not radically change, obscure, damage or destroy character-defining features.
 - 2) Additions shall be designed to be compatible with, rather than imitative of the design of the historic building, so that they are clearly identified as new construction.
 - 3) Additions shall be compatible in size and scale with the main building.
 - 4) Additions that alter the front of the building, or that substantially increase the building's height above adjacent or nearby rooflines, shall not be allowed, unless it can be documented that the addition is historically appropriate for the building. If it is necessary to design additions that are taller than the main building, the addition should be set back from the primary or character defining facades.
 - 5) Whenever possible, additions shall be located at the rear or on an inconspicuous side of the building.
 - 6) Additions shall take into account the historic relationships of existing buildings and site features on the site.
 - 7) Materials used for siding on additions shall be compatible with existing materials on the building and shall be those that are common in the district. Acceptable materials include brick, stone, terra cotta, wood, metal and cement clapboard.
 - 8) Vinyl siding" is prohibited for use on additions except when the addition is to a building where the predominant existing siding type is vinyl. If the proposed addition is larger than the existing building, only materials that are appropriate to the district shall be used.
- b) Design Standards for Non-Contributing and Incompatible resources:
 - 1) Additions shall reflect the context of surrounding historic buildings or structures and not detract from the overall character of the historic district.
 - 2) Materials used for siding on additions shall be compatible with existing materials on the building and shall be those that are common in the district. Acceptable materials include brick, stone, terra cotta, wood, metal and cement clapboard.

- 3) Vinyl siding” is prohibited for use on additions except when the addition is to a building where the predominant existing siding type is vinyl.
- c) Projects that do not require COA
 - 1) Construction of an addition that is not visible from a public right-of-way. If an addition is screened from the public right-of-way only by landscaping, it shall be considered visible.

6. Minor Project Review and Action

- A. If in the judgment of the Community Development Director or their designee the proposed Minor Project is consistent with these regulations and standards, the Community Development Director or their designee shall approve the Minor Project; or approve the Minor Project with conditions. It shall be the sole responsibility of the applicant to demonstrate that its application satisfies all standards of review within these regulations.
- B. If in the judgment of the Community Development Director or their designee the proposed Minor Project is not consistent with all applicable standards and regulations or is of a precedent-setting nature, the Community Development Director shall, after consultation with the applicant, refer the application to the Historic District Commission (HDC) for review and action as a Major Project. Any applicant aggrieved by a decision of the Community Development Director regarding a Minor Project application may request that the application be referred to the HDC for review as a Major Project.
- C. All decisions shall be in writing and shall be issued within 45 days of the filing of a complete Minor Project application.
- D. Upon approval of minor project, a Certificate of Appropriateness (COA) shall be issued to the applicant, and a copy filed at the Community Development Department. No construction or demolition shall commence, whether or not a building permit is required, nor shall a building permit be issued prior to the issuance of a COA.

6. Major Project Review and Action

All applications for a Major Project shall require a Certificate of Appropriateness (COA) issued by the Historic District Commission (HDC) according to these regulations.

- A. **Public Notification.** Upon a determination that the application is complete, the Community Development Department will schedule a public hearing at the next scheduled HDC meeting and provide notice of such hearing in accordance with **Section ?**.
- B. **Staff Review.** The Community Development Department will work with the applicant to improve the application, to coordinate with other city departments and state agencies as necessary, arrange a site visit for the HDC (as needed), and submit a staff report to the HDC prior to the public hearing.
- C. **Site Visit.** The HDC may hold a site visit, notice of which shall be provided to the applicant at least 48 hours in advance of the scheduled date of the site visit.
- D. **HDC Completeness Review.**
 1. At the meeting to consider an application, the HDC shall determine whether or not the application is complete and shall vote to accept or reject the application accordingly. If the application is incomplete, staff shall notify the applicant according to RSA 676:3 and shall specify what would be required to make

- the application complete. If the application is complete, the HDC may, but need not, begin formal consideration of the application at the same meeting.
2. The HDC shall only consider a completed application. A completed application means that, in the discretion of the HDC, sufficient information is included or submitted to allow the HDC to make an informed decision.
- E. Public Hearing.** The HDC shall hold a public hearing on an accepted application with notice as required in **Section ?** and in accordance with RSA 676:7. A public hearing on an application for a COA may be continued from meeting to meeting as needed.
1. For demolitions, applicants shall post a sign identifying the structure as proposed for demolition in a visible location on the premises at least ten (10) days prior to the hearing. The sign is available from the Community Development Department and needs to be returned prior to an issuance of a Demolition Permit.
- F. Special Reviews and Studies.** If during the HDC's formal consideration of an application, the HDC determines that additional information is necessary to make a fully informed decision, it may request that the applicant provide such information or may hire a professional consultant with all expenses paid by the applicant.
- G. Burden of Proof.** It shall be the sole responsibility of the applicant to demonstrate that its application satisfies all standards of review within the HDC Regulations.
- H. Historic District Commission Action.**
1. The HDC shall act to approve, conditionally approve, or disapprove an application for a COA within 45 days of the date an application is deemed complete by the HDC, unless the applicant agrees in writing to a longer time period.
 2. In making a determination to approve, approve with conditions, or disapprove an application for a COA, the HDC shall take under consideration the regulations and standards established in this document.
 3. In a case of disapproval, the grounds for disapproval shall be adequately stated in a written notice of disapproval and provided to the applicant. No building permit shall be issued for an application which is disapproved by the HDC. Applicants whose application has been disapproved may make modifications to the disapproved plans and may submit a new application for consideration by the HDC which shall review the new submittal without prejudice.
 4. Upon approval of an application by the HDC, a COA shall be issued to the applicant, and a copy filed at the Community Development Department. No construction or demolition shall commence, whether or not a building permit is required, nor shall a building permit be issued prior to the issuance of a COA.

7. Duration of a Certificate of Appropriateness:

- A. Duration.** A Certificate of Appropriateness (COA) shall be valid for either the duration of an active building permit issued for construction associated with the COA or; if no building permit is issued, the approval is valid for 1 year from the date the COA is issued.
- B. Extensions.**
1. Extensions to the duration of a COA may be granted by the Community Development Director or their designee.
 2. No extension shall be granted for a period greater than 1 year from the current expiration date. No more than 2 consecutive extensions shall be granted.
 3. The Community Development Director may refer the request for extension of the duration of a COA to the HDC if, in their judgment, the extension is not consistent with all applicable standards and regulations.
- C. Modifications to Approved Projects.**

1. Modifications to approved Major Projects whose work has not been completed shall require approval of the HDC, if it meets the threshold criteria for a major project, or the approval of the Community Development Director, if it does not meet the threshold criteria.
2. Modifications to approved Minor Projects whose work has not been completed shall require approval of the Community Development Director or their designee.
3. Any new changes to work that has been completed shall be treated as a new project and require a separate application.

8. Waivers:

In a case where:

- A. Strict application of these regulations would result in a particular and exceptional difficulty or undue hardship upon the owner of the affected property; and
- B. An alternative design or materials meets the design objectives stated in these regulations equally well or better than would strict compliance with these regulations; and
- C. The waiver may be granted without substantial detriment to the intent of these regulations, and the public good.

The Historic District Commission (HDC) may waive strict compliance with these regulations where the HDC has determined that the above criteria have been met. To request a waiver, an applicant must submit a request in writing and cite the specific regulation or standard and the reason(s) it cannot be met.

9. Appeals:

- A. Any persons aggrieved by a decision of the Historic District Commission (HDC) shall have the right to appeal that decision to the Zoning Board of Adjustment in accordance with RSA 677:2 et seq. A motion for rehearing must be filed within 30 days after the decision is rendered and must specify every possible ground upon which it is claimed that the decision is unlawful or unreasonable. The 30 days shall be counted in calendar days and shall start on the day of the decision.
- B. The zoning board of adjustment shall either grant or deny the motion for rehearing, or suspend the order or decision complained of pending further consideration. If the Zoning Board of Adjustment grants the motion for rehearing, it shall conduct the rehearing in accordance with its rules of procedure, as may be amended from time to time, and RSA 677:2 et seq.
- C. Any persons aggrieved by a decision of the Zoning Board of Adjustment relative to a motion for rehearing may appeal, by petition, to the Cheshire County Superior Court in accordance with RSA 677:4 within 30 days after the date upon which the Zoning Board of Adjustment rendered its decision. The petition shall set forth that such decision of the Zoning Board of Adjustment is unlawful or unreasonable, in whole or part, and shall specify the grounds upon which the decision is claimed to be unlawful or unreasonable.
- D. Pursuant to RSA 677:5, any hearing by the Cheshire County Superior Court upon appeal shall be given priority on the court calendar

10. Enforcement and Penalties:

The Historic District Commission is responsible for administering the ordinance and regulations within the historic district. The provisions of the historic district ordinance shall be enforced through traditional zoning enforcement mechanisms as set forth in Section 102-6 of the zoning ordinance and RSA 676.

11. Emergency Repairs:

In the event that a building, structure or site is damaged in a manner that creates unsafe conditions, efforts to stabilize the situation should be taken immediately to prevent additional damage or injury. At the earliest possible time, the property owner or affected party shall apply, as necessary, for a Certificate of Appropriateness for any work that has been done or will be done to permanently correct the situation.

12. Acts of Nature (i.e. Force Majeure):

In the event that a building or structure is destroyed through an “Act of Nature”, the property owner or affected party shall not be required to comply with these regulations for any new construction. An “Act of Nature” is considered to mean any event caused by natural forces whose effects could not be prevented by the exercise of reasonable care and foresight (e.g. flood, earthquake, tornado).