



## CITY OF KEENE LAND USE CODE AD HOC COMMITTEE

**Friday, June 21, 2019**  
**4:00 pm**  
**2<sup>nd</sup> Floor Conference Room**  
Keene City Hall  
3 Washington St, 03431

### **AGENDA**

1. Call to Order
2. Minutes of June 7, 2019
3. Review of Form Based Zoning Draft Subdistrict  
Dimensional/Form Standards
4. Review of Draft Land Development Code Chapters
  - a. Historic District Regulations
5. Next Meeting – July 12, 2019
6. Adjourn

**City of Keene**  
**New Hampshire**

**AD HOC LAND USE CODE STEERING COMMITTEE**  
**MEETING MINUTES**

**Friday, June 7, 2019**

**4:00 PM**

**2nd Floor Conference Room,  
City Hall**

**Members Present:**

Mayor Kendall Lane, Chair  
Councilor David Richards  
Councilor George Hansel  
Jim Phippard  
Douglas Barrett  
Katie Cassidy Sutherland  
Gary Spykman

**Staff Present:**

Medard Kopczynski, Economic Development  
Director  
John Rogers, Health & Code Official/Zoning  
Administrator  
Rhett Lamb, Community Development  
Director/Assistant City Manager  
Tara Kessler, Senior Planner

**Members Not Present:**

Councilor Maggie Rice

**1) Call to Order**

Mayor Lane called the meeting to order at 4:02 PM.

**2) Minutes of May 17, 2019**

Councilor Hansel moved to approve the minutes of May 17, 2019, which Councilor Richards seconded and the Ad Hoc Land Use Code Steering Committee carried unanimously.

**3) Review Draft Land Development Code Chapters**

Mayor Lane noted there were two chapters to review at this meeting. Mr. Kopczynski said staff has attempted to provide highlights to help the Committee understand the layers of changes, most of which are reorganizational but some changes are substantive. The intention was to highlight high-level changes, then get into more complexities on the change form, and then work on in the document itself.

**a. Draft Parking Regulations**

Ms. Kessler agreed with Mr. Kopczynski and provided a high-level overview of changes to the parking chapter, which she said is unique because it will be the first time there is a designated parking chapter in the Zoning Ordinance. Staff merged parking standards from eight different places into this one chapter. Staff updated and modernized the parking requirements to meet the City of Keene's needs today; the last parking review in the 1960s. She noted increased flexibility for minimum parking requirements. Ms. Kessler said a large portion of this draft chapter is to provide the Zoning Administrator more authority to make decisions around parking requirements. Staff also tried to enhance readability and distinguished single-family driveways from commercial parking requirements. This way, if an applicant is only concerned with driveways, they will not have to sift through the whole text of a Land Development Code. Ms. Kessler

continued explaining that staff tried to consolidate the landscaping requirements into one place. Staff thinks these outlined changes are in-line with the project goal: to make the regulations more user friendly, easy to navigate, modernized, simplified, and more thoughtful, recognizing that not all sites and uses are the same. Ms. Kessler noted there are some remaining questions for this chapter. A significant item yet to be addressed is where the exemption for no onsite parking should be in the downtown and how far it should be either expanded or be reduced with the new downtown Form Based Zoning. Finally, Ms. Kessler said the summary form notes changes that staff are still working on.

Mayor Lane said parking drives development to some degree. In many ways, development follows how much parking is available to avoid needing a Variance. The Mayor echoed the importance of flexibility in determining parking. He said one significant change is the offsite parking increase from 300' to 750', which should ease some stress. In theory, he said despite no onsite parking requirements downtown, developers must now demonstrate there is available parking within 750', which creates more flexibility. The Mayor said he was not comfortable with the description of deficit parking, which Ms. Kessler agreed is confusing and said staff is still working to better communicate this concept. Ms. Kessler said this Committee could decide the topic of deficit parking is too complicated and should be stricken, or could direct staff to continue working to simplify it. Mr. Lamb said this is about change of use and taking advantage of existing parking as much as possible. Before getting into the details of this topic, Mr. Lamb suggested focusing on high-level questions first.

Ms. Sutherland referred to the parking space size requirement (8'x18') and asked if the dimensions could be smaller for compact cars; she has had more clients asking about compact parking spaces. She also said the Committee should consider provisions for electric cars, e.g. available charging stations, and if there will be incentives. Ms. Kessler referred to page 20 of the meeting packet and confirmed the 8'x18' current requirement, unless the parking space is serving a retail establishment, which is 9'x18'. Ms. Sutherland thought compact cars are smaller than 8'x18'. Mr. Phippard said many cities have 8'x16' spaces for compact cars. Ms. Kessler will research dimensions and the possibility of designating smaller compact parking spaces. Regarding electric cars, Ms. Kessler said the only current incentive built into the regulations is to allow an electric charging station as a parking space. She referenced the electric charging stations in the Commercial Street parking lot off Gilbo Avenue. She said it could be determined that they cannot count toward the minimum because they are designed for charging and not the parking use they are associated with. The new requirements would allow charging stations to count toward that minimum. Car sharing services like Zip Car take up a full space in the lot and this draft proposes counting that toward the minimum as well. Mr. Phippard asked if fueling stations count and Mr. Lamb said these are specific questions that would be based on the Zoning Administrator's interpretation, who will now have more flexibility. Mr. Lamb said it is rare today to find a fueling station without an accompanying convenience store. Thus, a fuel pump does effectively act as a parking space in most cases now.

The Committee continued addressing questions about the parking chapter.

Mr. Phippard referred to page 17 of the meeting packet for Minimum Off-Street Parking Requirements (Table 1) and cited that offices must have four parking spaces per 1,000 sf gross floor area (GFA). He asked if this requirement means an office must start with a minimum of four spaces. Ms. Kessler said this is a ratio of one space per every 250 sf. Mr. Phippard and Mr. Spykman agreed that stating the requirement as a ratio would be clearer; staff will work to revise.

Mr. Phippard referred again to Table 1 on page 17, specifically the self-storage minimum space requirement. He has worked on four self-storage projects this year and most are single-story and people park in front of the unit to load or unload. He asked if the area in front of a self-storage unit counts a parking space or if there needs to be a separate lined space away from the unit. Mr. Lamb said that is the sort of question for which staff needs guidance from this Committee. He pointed out that just this spring, staff approved two multi-story self-storage units and Mr. Phippard agreed those situations should require striped parking. Ms. Kessler thought the requirement proposed for storage was low to account for how these spaces are typically used.

Mayor Lane asked, if someone came to staff and argued that a storage facility is only a single floor and the office is offsite, could the Zoning Administrator waive the minimum requirements. Ms. Kessler said the draft presented does not allow the Zoning Administrator to waive the minimum requirements completely. In this proposal, the Zoning Administrator would have authority to grant up to a 10% reduction of minimum requirements and the ZBA can grant 10% - 50% reductions. Beyond 50%, an applicant would need a Variance. In the current draft there is no complete waiver for onsite parking requirements.

Mr. Barrett suggested photos in the draft to differentiate between the two types of storage units. Instead of saying single-story or two-story, the draft could specify storage units with individual outdoor access. Mr. Rogers said both scenarios have come to staff in the past: storage units with inside access that require specific parking spaces and others with outdoor access for which the areas in front of the units count as spaces toward the minimum requirement.

Mr. Phippard continued with Table 1 on page 17 of the meeting packet. Industrial uses would require 0.5 spaces per every 1,000 sf. He said any projects he has worked on based parking on the number of employees, which typically far exceeds this calculation; he thinks industrial use parking is almost exclusively controlled by the number of employees. Councilor Hansel agreed and said his business has more than 200 parking spaces and he leases many because he does not have that many employees. These examples demonstrated how some uses need more or less parking spaces based on the number of employees. Mr. Lamb said these requirements are just minimums and if a developer needs more spaces than this calculation accounts for, as Mr. Phippard described, they can build more. Mr. Kopczynski said staff is trying to balance today's parking needs with the future by giving more leeway to the Zoning Administrator.

Mr. Spykman posed the situation if a manufacturer or other business moves in now with few employees and later an owner moves in with many more employees, but there is no land remaining on the lot to increase parking. He suggested current owners could create the number of spaces they need and preserve land to support more later; Ms. Kessler said it is written in the draft for the Zoning Administrator to grant that relief of 10% and one consideration is setting land aside for parking in the future. Mr. Rogers referred to page 18 of the meeting packet, the subsection on Reduction of Required On-Site Parking, which discusses reserve area for future parking needs. Mr. Phippard was pleased with these requirements so developers do not have to build more parking than the current owner needs, which he has had to do in the past.

Mr. Phippard noted several uses not identified in Table 1, such as a repair garage. He asked if uses not listed will be left to negotiation with the Zoning Administrator. Ms. Kessler referred to page 16 of the meeting packet for the subsection on Calculation of Required Parking. She said the minimum requirements listed in Table 1 are intended to be general so a Zoning Administrator or user can interpret where they fit within the broader category the use fits under. If a use is not listed in Table 1, it would be at the Zoning Administrator's discretion, like today. However, the draft provides some factors that would lead to determining a new amount and one of them is to

reference the Institute of Transportation Engineers (ITE) Parking Generation Manual (a national study of parking by use). Mr. Rogers added that Table 1 streamlines the process for users by referencing out to other sources for specific details. Ms. Kessler added that staff is still in the process of testing some of these numbers using current land use scenarios. Staff is studying businesses that have established parking requirements, the parking they have provided, and how they are using parking today. This process should demonstrate if the draft thresholds in Table 1 match what is actually happening on the ground in Keene compared to the national standards.

Mr. Lamb agreed with Mr. Phippard about that particular use of repair garage. He was unsure this whether this was about parking or more so the intention to regulate vehicle storage, which is a different problem than providing adequate parking for the use. Mr. Phippard agreed and referred to motor vehicle dealerships, which are challenging. He cited past experiences and asked if this would also be to the Zoning Administrator's discretion; Mr. Lamb replied in the affirmative.

Mr. Phippard referred to the second bullet under Alternate Parking Requirements on page 18 of the meeting packet: *The number of required accessible parking spaces shall be calculated based on the minimum number of parking spaces required in Table 1, not including any reduction. In no circumstance, shall the number of required accessible parking spaces be reduced.* Ms. Kessler noted there is a proposed edit to this requirement in the next draft to be clearer. Mr. Phippard said she should reference the American National Standard Institute (ANSI) Code as amended. Mayor Lane said this discussion demonstrates a lingering problem that this code must be accessible and consistent enough to for current and future staff. Ms. Kessler said an important goal of the code update was to build in flexibility while providing criteria for decision-making. She anticipates another chapter about Zoning Administrator decision making and documentation of those decisions, so there is a historical record of interpretations.

Ms. Sutherland said it might be easier if there were more use categories included in Table 1. She has worked on a garage and a dealership and it could save time as opposed to multiple meetings with the Zoning Administrator. She noticed that schools were unlisted, which are usually tied to municipalities, but there are private schools. She noticed a lot of building types she has worked on that did not have categories in Table 1. Mr. Lamb said a balance has to be struck to keep Table 1 manageable and reference out to other documents; staff will continue reviewing it. Mr. Kopczynski said the table was supposed to reflect projects that staff sees most often. Mr. Lamb said that adding uses where the calculation itself gets more complicated creates systems within the calculations that do not correspond well. Uses like schools and car dealerships create a question about spaces like hallways and service bays that are not, logically, contributing to parking demand. When things get complicated in Table 1, staff would be forced to use another number like lease area or to subtract from the gross floor area. Mr. Lamb thinks there is some value in the process, which he thinks will be quicker and simpler for all. Mr. Phippard agreed it is definitely simpler and provided an example of the Center of Keene and parking spaces for a change of use.

Councilor Hansel asked if the current minimum off-street parking for a dwelling unit is two spaces; Mr. Rogers replied in the affirmative. Councilor Hansel said he sees more demand for residential housing closer to downtown, such as converting a house into three units. He said a studio apartment does not need two parking spaces and added it is a lot of parking in an area where younger people are relying less on cars. Mr. Lamb said the Councilor's points were good and reflect parking challenges with form-based zoning. If there were a reason to apply residential parking standards, Mr. Lamb asked what the minimum would be. Councilor Hansel said he felt a five-minute walking radius is acceptable; he wants to incentivize house conversions or other denser residential options downtown. Mr. Lamb said the trend Councilor Hansel described is

accurate and staff will review other ways to treat residential downtown parking, perhaps separate from Table 1. Ms. Kessler said some communities designate special parking reductions treated separately from Table 1.

Mr. Spykman noted and Mr. Lamb agreed that parking spaces per dwelling unit does not specify the size, bedrooms, district, or density. Mr. Spykman said parking should be different for homes and apartments. Mr. Phippard asked if stacking will still be allowed in residential driveways; stacking means parking one car in front of others in a driveway. Mr. Rogers believed the applicant would have to demonstrate uniqueness of the lot to allow stacking to occur, which is common for many single-family homes. Ms. Kessler said a statement can be added to allow stacking for residential use. Mr. Kopczynski said there will likely be things to learn when Washington Park opens, where they have designated one space per dwelling unit and they are seeking more parking from the City of Keene. Mr. Lamb said this would likely push demand out into the neighborhoods for nearby parking. Mayor Lane said such situations might require a developer to purchase other adjacent properties to convert as parking lots.

Mr. Phippard raised the topic of parking credit on page 19 of the meeting packet. Ms. Kessler said the premise of parking credits is that if the existing development pattern continues downtown and nearby, there are many lots without enough on-site parking today. Staff considered an alternative for someone redeveloping or changing the use of an already developed lot. The draft regulations state: *When a new use proposed for a site requires the same or more parking than the existing use according to Table 1, and there is an existing parking deficiency on the site, the new use shall be responsible only for the additional parking required. Any existing parking deficiencies of the required parking for the previous use may be credited to the new use at the discretion of the Zoning Administrator, provided that the previous use was legally established and the number of spaces has not decreased.* Ms. Kessler demonstrated how this calculation would work using an example scenario. Recognizing that this is complicated, Ms. Kessler said staff would continue working to simplify the calculation.

Mr. Barrett said it seems like if a property already has an existing deficit, then it is the responsibility of the building owner to ensure the deficit does not get worse. Ms. Sutherland said that downtown and near the Central Business District there is often no space to expand parking with the existing footprint; she asked if the developer could find those remaining spots within the 750' radius. Ms. Kessler said yes, and they can go to the ZBA for a request to reduce the total spaces by 50%.

Mr. Phippard referred to the option for remote parking within a 750' radius; Ms. Kessler said the applicant would have to prove a path of travel within 750'. To avoid ambiguity and crossing onto private property, Mr. Rogers suggested the applicant prove a 750' walking path in the public right-of-way. Ms. Kessler said 750' downtown equates to walking one block (~0.14 mile). Ms. Sutherland asked if there is any reason not to increase the distance from 750' to 1000', for example, to encourage downtown development and walking. Mr. Kopczynski said the increase to 750' was a substantial one and Ms. Kessler added that staff chose it to correspond with the current SEED District allowance for remote parking. Councilor Hansel asked what would happen if there were an off-site parking agreement with another property owner and ownership changes; would the lessee lose those parking spaces, after going through the entire site plan review process. Mr. Phippard said it is common. Mayor Lane referenced a similar situation with Arcadia Hall, where Mr. Phippard said they did not need parking in the Central Business District, so they provided 38 spaces and leased 75 from the Center at Keene. The lease with the Center at Keene still exists today with only half the spaces utilized. Ms. Kessler mentioned the section on remote parking which includes measures to prevent these situations by recording remote parking



agreements with the Registry of Deeds; a change in ownership would mean renewing the agreement. Mr. Spykman posed a situation if the agreement is not renewed and no one complains; he assumes the owner likely did not need the spaces, so there is no impact. Mr. Lamb agreed that is possible. Ms. Sutherland and Mayor Lane agreed it is worth considering increasing the distance from 750' to 1000'.

Ms. Kessler said staff is planning to relocate some of the driveway standards from Chapter 70 of the City Code to this chapter. This change would consolidate driveway site-specific standards like grading, steep slopes, and length into a driveway section. Mr. Phippard noted inconsistencies such as the maximum driveway width permitted is 10' for driveways longer than 350' on a lot with steep slopes. He referred to the inconsistency on the top of page 20 in the meeting packet, where the driveway maximum width permitted is 12'. Mr. Lamb said staff are still working on this section because it overlaps with the National Fire Protection Association (NFPA) Standards' Rural Water Supply section. He said the premise of a total 12' driveway is to allow for 10' of travel surface with 1' shoulders on either side to comply with the NFPA, though he noted the shoulder makes little sense if it is a gravel driveway to start. Mr. Phippard said he usually provides 18' clear of obstructions (trees, shrubs, and rocks, etc.) but the driveway is not 18' wide. Mr. Lamb said that is reasonable. The logic was to minimize the footprint of driveways and thus mitigate drainage or erosion problems for areas with steep hillsides or run off.

Mayor Lane asked if driveways still must be a minimum 3' from property lines and staff confirmed. Staff also agreed that many in the City likely do not comply with this newer standard, to which the Mayor and Mr. Spykman questioned why the standard exists. Mr. Rogers said part of the reason is to keep drainage from one property's driveway from running off to neighboring properties; it acts as a buffer between single-family homes. Mr. Lamb said this standard is enforced with new construction. Mayor Lane thinks the standard should be eliminated. Ms. Kessler noted most people do not know where their boundary lines are. The Committee debated the merit of this standard regarding development flexibility for property owners versus drainage concerns. Staff will give this standard more attention. Ms. Kessler noted there is no such thing as a driveway in the current zoning ordinance, only parking areas; on many smaller lots today the driveway is the parking area. Mr. Kopczynski explained that this rule developed to reduce problems like parking on lawns and to control or provide space for runoff.

Mr. Phippard presented a scenario: a house on a small lot in the Low Density District with a 15' front setback and a house 18' from the front line, with a driveway straight to the garage, not behind the building line, and parking in the driveway almost entirely within the front setback. He asked if that is permitted still. Mr. Rogers said a new building must provide two parking spaces behind the front of the building or front setback – in this scenario, the garage space would count.

Mr. Phippard asked if there are any exceptions for the fourth bullet under Surface Material and Grade on page 20 of the meeting packet, which reads: *Have a substantial wheel stop of concrete, masonry, steel or heavy timber placed at or near the end of each parking space to prevent vehicles from damaging nearby buildings, lawns, trees or shrubs, or from creating a hazard to pedestrians on any sidewalk or walkway.* As an alternative recently, he has used a 2'- 3' wide stone infiltration strip at the end of the parking space as opposed to a physical barrier. Sometimes people drive into the stone but it is an alternative that helps reduce runoff with a low impact design. Keen requires curb stops so this has not been an option. Mr. Rogers said curb stops help to prevent damage though he can see the stone infiltration option adjacent to lawns possibly. Staff will consider this option.

Mr. Phippard continued referring to the Dimensions section on page 20 and said the 20' minimum width works for most uses that are not high traffic, like most small businesses. Based on his experience 10' per lane is more logical. He asked if this standard could be subject to Code Enforcement review to allow extra width in high traffic areas for safety. Mr. Lamb said 10' lanes are common today for the same reasons.

Mr. Phippard addressed the third bullet under Parking Lot Screening on page 21 of the meeting packet and asked if wood fences are allowed. Ms. Kessler said they are not allowed according to the standard today and staff has yet to discuss the history of that specific standard but will look into it further. Mr. Lamb thinks the logic was to have screening you cannot see through but staff will research further and Ms. Kessler added that graphics would help illustrate this in the final draft.

Mr. Barrett referred to the Landscaping within a Parking Lot section on page 21 and asked if there can be an option not just for minimum trees required, but also to distribute evenly the trees throughout the property. He cited an instance of the developer clustering all the trees in one area to ease things like snow removal, which is not optimal. This is another area that an illustration could help. Staff will look into it further, perhaps within the purpose statement earlier in the chapter regarding infiltration and other elements.

Councilor Hansel returned to the high-level summary of changes to the parking chapter to meet project goals. Ms. Kessler said the standards are flexible, simple, efficient, and thoughtful with today's needs in mind. The standards are streamlined for readability, with all standards in this one location, allowing homeowners and developers to find what they need easily. They are more thoughtful in that the standards have been updated to become more aligned with modern uses and parking demand; and they are more efficient in that there greater flexibility built in for parking requirements. Councilor Hansel advised staff to keep focusing on efforts to meet those goals, which Ms. Kessler will detail more on future change sheets.

#### **b. Draft Floodplain Regulations**

Mr. Rogers reported that with this draft, staff used the NH Office of Strategic Initiatives Floodplain Management Program model ordinance, in part, but maintained sections of the City's current ordinance that deal with the floodway and compensatory storage. Based on a conversation with Mr. Phippard, staff removed the three-foot lower elevation limit on compensatory storage, which will allow more location options for developers to create the required storage, while still maintaining hydraulic reach. Staff also removed the reference to the Ash Swamp Brook flood area, which was removed from the FEMA maps in 2006. The floodplain ordinance contains a substantial damage calculation and there was no time associated with that calculation; staff has added a 5-year deadline, which seems to be common with other cities. This will hopefully encourage proper maintenance of properties. There were construction details in the ordinance that are already covered in the state building code, which is now referenced.

Ms. Kessler summarized saying this is more thoughtful by referring to one code and eliminating duplication of process and it increases flexibility and efficiency, such as more options for compensatory storage. The substantial improvement requirement is clearer. Mr. Phippard said this would go a long way toward mitigating things not addressed in the old ordinance, which deterred developers from old buildings that need flood prevention renovations to meet the code. He said just adopting the state code will help a lot to mitigate challenging development in the floodplain.



Ms. Kessler shared the Committee meeting schedule. All meetings occur on Fridays at 4:00 PM on the second floor of City Hall:

*June 21, 2019*  
*July 12, 2019*  
*July 26, 2019*  
*August 2, 2019*  
*August 16, 2019*  
*September 13, 2019*  
*September 27, 2019*

Ms. Kessler also shared considerations for the next meeting: draft form-based code concept, Historic District, and possibly revisions to the Surface Water and Subdivision regulations—whether they are considered at the meeting depending on time will be up to the Committee.

- 4) **Next Meeting – June 21, 2019**
- 5) **Adjourn**

Hearing no further business, Mayor Lane adjourned the meeting at 5:21 PM.

Respectfully submitted by,  
Katie Kibler, Minute Taker  
June 13, 2019

Reviewed and edited by,  
Tara Kessler, Senior Planner

## MEMORANDUM

To: Land Use Code Ad Hoc Committee

From: Tara Kessler, Senior Planner

Date: June 17, 2019

Re: Form Based Zoning Draft Subdistrict Dimensional/Form Standards

Included in this meeting packet are two draft documents prepared by Camiros for review/discussion at the Ad Hoc Committee meeting on June 21, 2019 related to the Downtown Form Based Zoning effort. The first document, entitled “Draft Downtown Subdistricts Development Standards” (see title at the bottom of the page), contains a table including proposed dimensional requirements for buildings, lots, and parking areas as well as proposed design standards for each of the Downtown Subdistricts. Camiros notes: *“these are not formatted to facilitate easy refinement at this point. The standards fall into five general categories: Lot and Building Dimensions, Building Siting, Building Height, Building Activation, and Parking Location & Access. We’ve also included a series of design standards for each of the subdistricts, and included a number of new definitions that are particular to the form-based content. You’ll see some notes in bold red throughout the document as well, to provide some additional info, indicate where gaps will need to be filled in, make recommendations, etc.”*

The other document included is entitled “Building Form and Development Standards. This document is intended to provide a general idea of what the final document will look like, as well as provide some illustrations to elucidate the concepts included in the unformatted document described above.

Staff have also included a summary of the proposed subdistricts and the draft subdistrict map for reference as you review these draft documents. This summary is entitled " Preliminary Downtown Sub-Districts " and immediately follows this memo.

# Preliminary Downtown Sub-districts

Downtown Keene comprises a series of character areas, or place-types, each possessing a unique development character, scale, and pedestrian orientation. As such, a new form-based code for downtown must acknowledge these places, and build in standards that reinforce or enhance the character of each place. In the form-based code, the places within downtown Keene will become a series of sub-districts, allowing for the regulation of new development at a scale that complements the fine-grained development patterns present within the City of Keene, and downtown in particular.

Based upon initial physical analysis of downtown, and review of the City's Comprehensive Plan, a series of preliminary subdistricts were identified in advance of the public workshops held in November of 2018. Some of the proposed subdistricts reflected existing development conditions within downtown, and others were more oriented toward implementing the vision for new development in the City's adopted Comprehensive Plan.

Following the public workshops held in conjunction with Camiros in November of 2018, staff from the Community Development Department worked closely with the City's Joint Committee of the Planning Board and the City Council's Planning, Licenses and Development Committee to evaluate and edit the proposed downtown boundary and subdistricts. The Joint Committee dedicated time at its December, January, February and March monthly meetings to discussion on the downtown boundary and subdistricts. These meetings were advertised and open to the public, and a record of meeting minutes is available on the City's website. The Committee's work resulted in revised boundaries and names for the subdistricts within the proposed Form Based Zoning District for the Downtown. The seven districts included below, and the map on the following page, reflect the recommendations of the Joint Committee. As the project moves forward into drafting, it is anticipated that these subdistricts will continue to be refined through staff, committee, and public review of the form-based code.

## Downtown Core

*The heart of downtown Keene. Accommodates the most intense development within downtown, including commercial, residential, civic, cultural and open space uses in a highly walkable, vertically and horizontally mixed-use environment.*

## Downtown Growth

*Accommodates the reuse of existing structures, as well as new construction of significant size, providing flexibility in both physical form and permitted uses to facilitate the creation of a mixed-use environment that encourages both growth and infill that complements the walkable, urban form of the Downtown Core.*

Setbacks	Height (Stories)	Parking Location	Current Zoning Districts Included (as mapped)	Proposed Mix of Uses Permitted
0-5'	Min. 2 Max. 7	Rear	Central Business Central Business Limited	Multi-Family Commercial + Mixed Use (Retail/Service/ Restaurant/Office)
0-15'	Min. 2 Max. 7	Rear	Central Business Central Business Limited Commerce High Density Industrial	Multi-Family Commercial + Mixed Use (Retail/Service/ Restaurant/Office) Light Industrial

## Commercial Edge

Accommodates a variety of moderately intense commercial development at the edges of downtown Keene, transitioning into lower intensity commercial or residential development. Such development may be more auto-oriented in nature.

## Residential Transition

Accommodates a variety of residential, open space, and low intensity commercial uses in a mixed-use environment of attached and detached structures that complement and transition into adjacent existing neighborhoods.

## Downtown Limited

Accommodates areas north of Central Square, allowing for a low-intensity, limited mixture of uses in lower structures, close to the street transitioning northward.

## Neighborhood Redevelopment

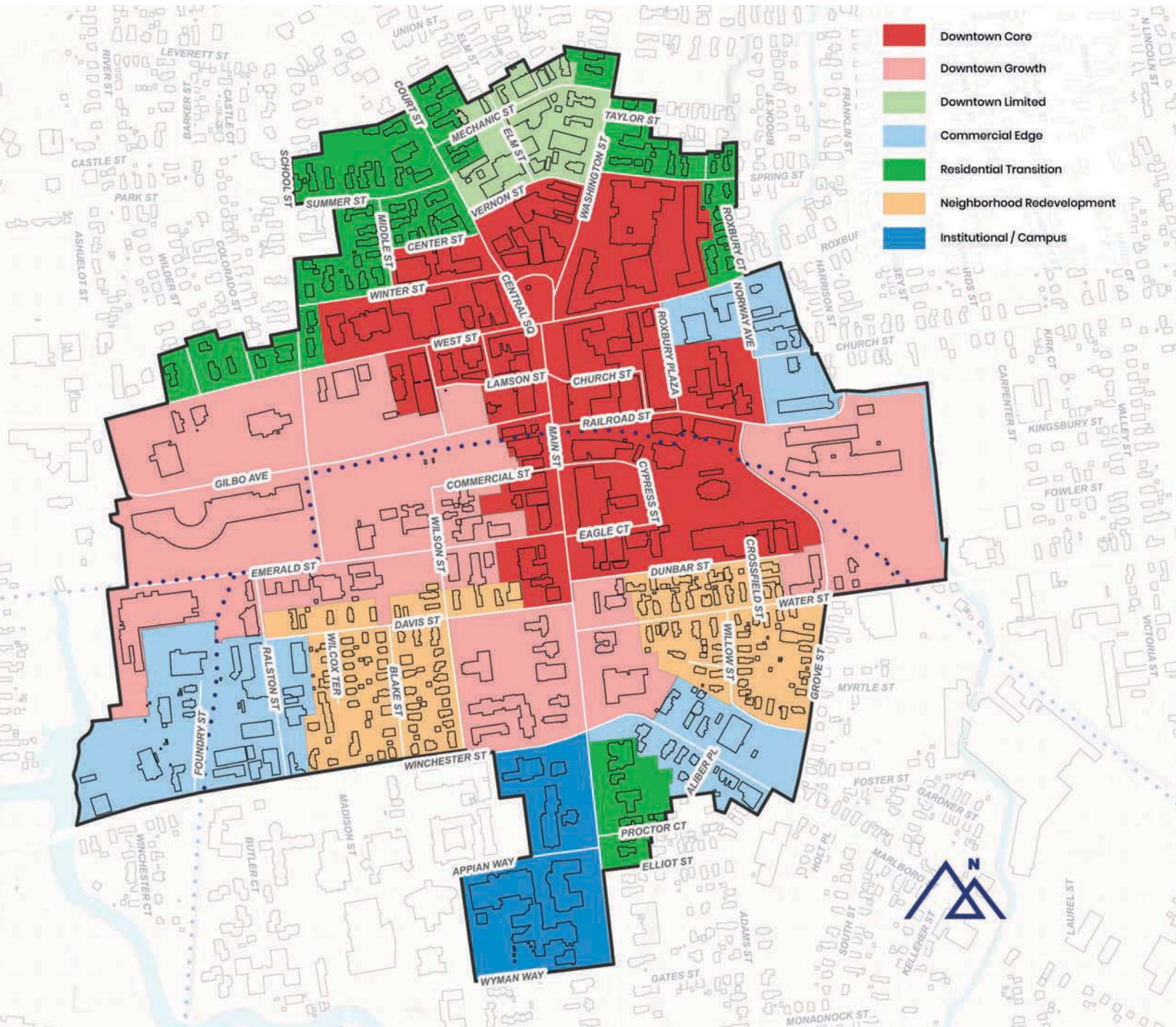
Accommodates a mixture of uses and development forms in line with the City's vision for neighborhoods tucked-in near KSC (Blake Street, Willow Street), including higher-density multi-family redevelopment.

## Institutional/Campus

Accommodates the unique form of Keene State College, allowing for incorporation into the downtown zoning in a manner acknowledging the Campus' relationship to the remainder of the downtown.

Setbacks	Height (Stories)	Parking Location	Current Zoning Districts Included (as mapped)	Proposed Mix of Uses Permitted
0-15'	Max. 3	Rear	Central Business Central Business Limited Commerce High Density	Single-Family Multi-Family General Commercial (Retail/Service/ Restaurant/Office)
10-20'	Max. 3	Rear	Office High Density Residential Preservation Central Business (3 Parcels)	Single-Family Multi-Family Low Intensity Commercial (Office, Limited Retail, Limited Service)
5-15'	Max. 4	Rear, Side	Central Business Office	Multi-Family Low Intensity Commercial (Office, Limited Retail, Limited Service)
15' Min.	Max. 4	Rear, Side	High Density Residential Preservation	Single-Family Multi-Family Mixed-Use (Office, limited retail, limited service)
30' Min.	Max. 5	Rear, Side, Front	High Density	Institutional

## Downtown Subdistricts





## DC Downtown Core Subdistrict

**Purpose:** The DC Subdistrict is the heart of downtown Keene, accommodating the highest intensity of development. The Subdistrict is intended to accommodate a rich mix of commercial, residential, civic, cultural and open space uses in a highly walkable, vertically and horizontally mixed-use environment.

Standard	Requirement
<b>Lot and Building Dimensions</b>	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Length	250'
<b>Building Siting</b>	
Primary Street Setback	0' BTL
Primary Street Build-to Percentage	80% Min.
<b>Note: Primary streets will be named/mapped as necessary. Anticipated primary streets include: Main, Court, Washington, Roxbury, Emerald, Gilbo, and School. All others considered secondary.</b>	
Secondary Street Setback	0' BTL when 150' or less from intersection with Primary. Otherwise 0-10' BTZ
Secondary Street Build-to Percentage	60% Min.
Interior Side Setback	0' unless abutting residential district or RT subdistrict, then 15' Min.
Rear Setback	0' unless abutting residential district or RT subdistrict, then 15' Min.
<b>Building Height</b>	
Minimum Building Height	18'
Maximum Building Height	85' and 7 stories
Required Building Height Stepback	15' minimum setback from building line for buildings taller than 65'. Stepback must occur above the ground story and no higher than the 5 <sup>th</sup> story.
Corner Tower Element	Limited in width and depth to a maximum of 25% of the building frontage. May exceed height at which stepback is required, but may not exceed the overall building height
Permitted Height Exception	Buildings may exceed maximum permitted height by up to 8' for a maximum of 25% of the square footage of the top floor. Such additional height may not be used to create an additional story.
<b>Building Activation on Primary and Secondary Streets</b>	
Minimum Ground Floor Height (FTF)	14'
Maximum Blank Wall Area	20'
Building Entry Spacing	30' max. between entries on Primary Streets, 50' max. between entries on Secondary Streets
Vertical Distance Between Bld. Entry and Sidewalk	3' max.
Ground Floor Transparency	50% min.
Upper Floor Transparency	15% min.
<b>Parking Location &amp; Access</b>	
Permitted Parking Location	Parking Permitted to the rear of the building only
Minimum Primary Street Parking Setback	N/A (Not permitted along Primary Street)
Minimum Secondary Street Parking Setback	15' Min. May be reduced to 7' behind the front building line, with the construction of a solid masonry wall, 3' min. to 4' max. in height at the setback for the length of the parking lot, excluding access ways.
Minimum Interior Side Parking Setback	None, unless abutting residential district or RT subdistrict, then 5'. <b>This will need to align with buffer standards.</b>
Minimum Rear Parking Setback	None, unless abutting residential district or RT subdistrict, then 10'. <b>This will need to align with buffer standards.</b>
Minimum Parking Access Width	Primary Street: Not permitted Secondary Street: 12' for one-way, 24' for two-way



## DG Downtown Growth Subdistrict

**Purpose:** The DG Subdistrict accommodates the reuse of existing structures within downtown Keene, as well as new construction of significant size. It is intended to provide the flexibility needed to create a mixed-use environment in areas of downtown where growth is desired, with standards for new construction and infill development that complement the walkable urban form of Keene's downtown.

Standard	Requirement
<b>Lot and Building Dimensions</b>	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Length	350', unless a passage is provided per Section __, then 500' including width of passage. <b>Note: Standards for building passage design will be included (width, height, transparency)</b>
<b>Building Siting</b>	
Primary Street Setback	0-5' BTZ
Primary Street Build-to Percentage	80% Min.
Secondary Street Setback	5-15' BTZ
Secondary Street Build-to Percentage	60% Min.
Interior Side Setback	0' unless abutting residential district or RT subdistrict, then 15' Min.
Rear Setback	0' unless abutting residential district or RT subdistrict, then 25' Min.
<b>Building Height</b>	
Minimum Building Height	24'
Maximum Building Height	85' and 7 stories
Required Building Height Stepback	15' minimum setback from building line for buildings taller than 65'. Stepback must occur above the ground story and no higher than the 5th story.
Corner Tower Element	Limited in width and depth to a maximum of 25% of the building frontage. May exceed height at which stepback is required, but may not exceed the overall building height
Permitted Height Exception	Buildings may exceed maximum permitted height by up to 8' for a maximum of 25% of the square footage of the top floor. Such additional height may not be used to create an additional story.
<b>Building Activation on Primary and Secondary Streets</b>	
Minimum Ground Floor Height (FTF)	14'
Maximum Blank Wall Area	30'
Building Entry Spacing	50' max. between entries
Vertical Distance Between Bld. Entry and Sidewalk	3' max.
Ground Floor Transparency	50% min. on Primary Street, 40% min. on Secondary Street
Upper Floor Transparency	15% min.
<b>Parking Location &amp; Access</b>	
Permitted Parking Location	Parking Permitted to the rear of the building only
Minimum Primary Street Parking Setback	N/A (Not permitted along Primary Street)
Minimum Secondary Street Parking Setback	15' Min. May be reduced to 7' behind the front building line, with the construction of a solid masonry wall, 3' min. to 4' max. in height at the setback for the length of the parking lot, excluding access ways.
Minimum Interior Side Parking Setback	None, unless abutting residential district or RT subdistrict, then 5'. <b>This will need to align with buffer standards.</b>
Minimum Rear Parking Setback	None, unless abutting residential district or RT subdistrict, then 10'. <b>This will need to align with buffer standards.</b>
Parking Access	12' for one-way, 24' for two-way

## CE Commercial Edge Subdistrict

**Purpose:** The Commercial Edge Subdistrict accommodates a variety of moderately intense commercial development at the edges of downtown Keene, providing a transition into lower intensity commercial or residential development outside of the delineated downtown area. Such development may be a mixture of walkable development transitioning into a more auto-oriented development pattern.

Standard	Requirement
<b>Lot and Building Dimensions</b>	
Minimum Lot Area	10,000sf
Minimum Lot Width	50'
Maximum Building Length	None
<b>Building Siting</b>	
Front Setback	0-20' BTZ
Front Build-to Percentage	60% Min.
Corner Side Setback	0-20' BTZ
Corner Side Build-to Percentage	40% Min.
Interior Side Setback	0' unless abutting residential district or RT subdistrict, then 20' Min.
Rear Setback	0' unless abutting residential district or RT subdistrict, then 25' Min.
<b>Building Height</b>	
Minimum Building Height	None
Maximum Building Height	40' and 3 stories
Permitted Height Exception	May exceed maximum height by up to 5' for a total of 25% of the square footage of the top floor. Such additional height may not be used to create an additional story.
<b>Building Activation</b>	
Minimum Ground Floor Height (FTF)	12'
Maximum Blank Wall Area	30'
Vertical Distance Between Bld. Entry and Sidewalk	18" max.
Ground Floor Transparency	30% min.
Upper Floor Transparency	15% min.
<b>Parking Location</b>	
Permitted Parking Location	Parking permitted to the rear of the building only
<b>Permitted parking location based upon feedback from Steering Committee during initial review of subdistricts and technical report. We recommend revising to allow parking to the rear and side of structures. Limiting parking to the rear makes more sense in denser areas such as the DC and DG, but may be too limiting for lots in the CE areas, which are intended to accommodate a mix of pedestrian and automobile traffic.</b>	
Minimum Front Parking Setback	N/A (Not permitted)
<b>We recommend allowing parking to the side of structures, through a provision that would require a front parking setback of 5' behind the front building line. This provides flexibility while ensuring no parking may be located in front of structures.</b>	
Minimum Corner Side Parking Setback	15', or 5' behind the corner side building line, whichever is less
Minimum Interior Side Parking Setback	None, unless abutting residential district or RT subdistrict, then 10'. <b>This will need to align with buffer standards.</b>
Minimum Rear Parking Setback	None, unless abutting residential district or RT subdistrict, then 15'. <b>This will need to align with buffer standards.</b>
Parking Access	12' for one-way, 24' for two-way

## RT Residential Transition Subdistrict

**Purpose:** The Residential Transition Subdistrict is intended to accommodate a variety of residential, open space, and low intensity commercial uses in a mixed-use environment of attached and detached structures. Development within the RT Subdistrict is intended to complement and transition into existing residential neighborhoods adjacent to downtown Keene.

Standard	Requirement
<b>Lot and Building Dimensions</b>	
Minimum Lot Area	8,000sf
Minimum Lot Width	60'
Maximum Building Coverage	40%
Maximum Impervious Surface Coverage	60%
<b>Building Siting</b>	
Front Setback	15' Min.
Corner Side Setback	10' Min.
Interior Side Setback	10' Min.
Rear Setback	15' Min.
<b>Building Height</b>	
Minimum Building Height	N/A
Maximum Building Height	40' and 3 stories
<b>Building Activation</b>	
Vertical Distance Between Bld. Entry and Sidewalk	5' max.
Ground Floor Transparency	Multi-family and Nonresidential uses: 25% Min.
Upper Floor Transparency	Multi-family and Nonresidential uses: 10% Min.
<b>Parking Location</b>	
Permitted Parking Location	Parking permitted to the rear and side of the building
<b>See previous note on parking location. Note change in permitted parking location from Technical report. We think allowing parking to the rear and side is more appropriate for the RT area, considering current development patterns.</b>	
Minimum Front Parking Setback	5' behind front building line
Minimum Corner Side Parking Setback	5' behind corner side building line
Minimum Interior Side Parking Setback	5'
Minimum Rear Parking Setback	5'
Parking Access	12' for one-way, 22' for two-way

## DL Downtown Limited Subdistrict

**Purpose:** The DL Subdistrict is intended to accommodate the unique development pattern exhibited in downtown Keene to the north of Central Square. The DL Subdistrict accommodates a low-intensity, limited mixture of uses in structures of a lower height, located close to the street.

Standard	Requirement
<b>Lot and Building Dimensions</b>	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Coverage	65%
Maximum Impervious Surface Coverage	80%
<b>Building Siting</b>	
Front Setback	0-15' BTZ
Corner Side Setback	0-25' BTZ
Interior Side Setback	0' unless abutting residential district or RT subdistrict, then 10' Min.
Rear Setback	0' unless abutting residential district or RT subdistrict, then 15' Min.
<b>Building Height</b>	
Minimum Building Height	None
Maximum Building Height	35' and 2.5 stories
<b>Building Activation</b>	
Maximum Blank Wall Area	20'
Vertical Distance Between Bld. Entry and Sidewalk	4' max.
Ground Floor Transparency	30% min.
Upper Floor Transparency	15% min.
<b>Parking Location</b>	
Permitted Parking Location	Parking permitted to the rear and side of the building
Minimum Front Parking Setback	10', or equivalent to front building line, whichever is greater
Minimum Corner Side Parking Setback	10'
Minimum Interior Side Parking Setback	None, unless abutting residential district or RT subdistrict, then 5'. <b>This will need to align with buffer standards.</b>
Minimum Rear Parking Setback	None, unless abutting residential district or RT subdistrict, then 5'. <b>This will need to align with buffer standards.</b>
Parking Access	12' for one-way, 22' for two-way

## NR Neighborhood Redevelopment Subdistrict

**Purpose:** The Neighborhood Redevelopment Subdistrict is intended to facilitate the development of a mixture of uses and building forms aligned with the City's vision for neighborhoods that are largely bordered by or encompassed within more intensely developed areas within downtown. The subdistrict accommodates a variety of development forms and encourages the creation of higher-density residential development.

Standard	Requirement
<b>Lot and Building Dimensions</b>	
Minimum Lot Area	6,000sf
Minimum Lot Width	50'
Maximum Building Coverage	40%
Maximum Impervious Surface Coverage	50%
<b>Building Siting</b>	
Front Setback	15' Min.
Corner Side Setback	10' Min.
Interior Side Setback	10' Min.
Rear Setback	25' Min.
<b>Building Height</b>	
Minimum Building Height	None
Maximum Building Height	50' and 4 stories
Permitted Height Exception	May exceed maximum height by up to 5' for a total of 25% of the square footage of the top floor.. Such additional height may not be used to create an additional story.
<b>Building Activation</b>	
Maximum Blank Wall Area	30'
Prominent Entry Spacing	Multi-family and Nonresidential uses: 50' max. between entries
Vertical Distance Between Bld. Entry and Sidewalk	4' max.
Ground Floor Transparency	Multi-family and nonresidential: 35% min.
Upper Floor Transparency	Multi-family and nonresidential: 15% min.
<b>Parking Location</b>	
Permitted Parking Location	Parking permitted to the rear and side of the building
Minimum Front Parking Setback	5' behind front building line
Minimum Corner Side Parking Setback	15'
Minimum Interior Side Parking Setback	5'
Minimum Rear Parking Setback	5'
Parking Access	11' for one-way, 22' for two-way

## IC Institutional Campus Subdistrict

**Purpose:** The Institutional Campus Subdistrict accommodates the unique form of Keene State College as it interfaces with the mixed-use, walkable fabric of downtown Keene.

Standard	Requirement
<b>Lot and Building Dimensions</b>	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Length	350', unless a passage is provided per Section __, then 500' including width of passage
Maximum Building Coverage	50%
Maximum Impervious Surface Coverage	75%
<b>Building Siting</b>	
Front Setback	30' Min.
Corner Side Setback	15' Min.
Interior Side Setback	0' unless abutting residential district or RT subdistrict, then 15'
Rear Setback	0' unless abutting residential district or RT subdistrict, then 25'
<b>Building Height</b>	
Minimum Building Height	None
Maximum Building Height	50' at required setbacks; structures may increase height over 50' by setting back an additional 2' for every 1' of additional height from all required setbacks
<b>Parking Location</b>	
Minimum Front Parking Setback	15'
Minimum Corner Side Parking Setback	15'
Minimum Interior Side Parking Setback	None, unless abutting residential district or RT subdistrict, then 15'. <b>This will need to align with buffer standards.</b>
Minimum Rear Parking Setback	None, unless abutting residential district or RT subdistrict, then 15'. <b>This will need to align with buffer standards.</b>
Parking Access	12' for one-way, 24' for two-way



## Downtown Design Standards

The following table establishes the design standards for **multifamily and nonresidential** uses in the Downtown Subdistricts. An “X” in the cell indicates that such standard is applicable in the subdistrict. Where a cell is blank, such standard does not apply.

**These standards have been created through an analysis of Downtown Keene, as well as best practices in design standards from similar communities. Select standards from the HDC regulations, as well as the Planning Board Development Standards have been incorporated as well.**

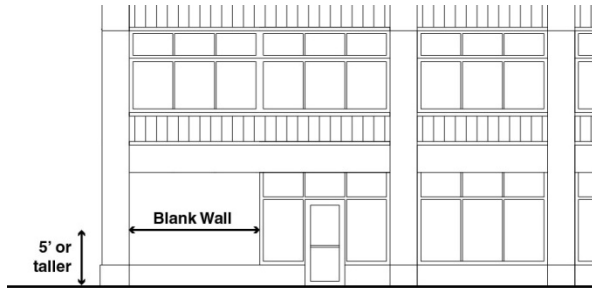
Standard	Subdistricts						
Building Orientation and Entrances	DC	DG	DL	CE	RT	NR	IC
All buildings must be oriented toward a public street. When located on lots that front on both a Primary and Secondary Street, buildings must be oriented toward the Primary Street.	X	X	X	X	X	X	
All buildings must contain at least one Primary entrance.	X	X	X	X	X	X	X
Primary entrances to buildings must be located on the street to which the building is oriented. Where a building has frontage along both a Primary Street and a Secondary Street, the primary entrance must be oriented toward the Primary Street, or at the corner.	X	X	X	X	X	X	X
Primary building entrances must be at sidewalk level or within the maximum vertical distance between building entry and sidewalk. “Garden level,” or below-grade primary entrances are prohibited.	X	X	X	X	X	X	X
All primary entrances must include direct pedestrian connections between street facing doors to adjacent sidewalks, and may not be set back more than ten feet from the building line.	X	X	X	X	X	X	X
Primary entrances must incorporate at least two of the following design elements to ensure clear visibility and architectural prominence: <ul style="list-style-type: none"> <li>a. Details including but not limited to arches, friezes, columns, pilasters, transom or sidelight windows mosaic or tile work, murals, or other public art as an integral feature.</li> <li>b. Integral landscape or seating elements such as planters and benches or seat walls.</li> <li>c. Three-dimensional elements such as corner towers, porticos, arcades or colonnades.</li> </ul>	X	X	X	X		X	X
Secondary access points must be provided from rear parking lots. Facades that abut parking areas and contain a public entrance must include pedestrian walkways.	X	X	X	X		X	X
Building Form and Façade Composition	DC	DG	DL	CE	RT	NR	IC
For buildings of 150’ in length or more, facades must be divided into multiple “modules,” expressed through significant architectural changes such as a change in materials, a change in pattern elements such as fenestration, columns and pilasters, or a change in building setback through recesses or projections. Such modules may be no wider than 50 feet.	X	X	X	X		X	
Commercial storefronts must include traditional pedestrian-oriented elements such as display windows, bulkheads, transoms and cornices.	X	X	X	X		X	
Buildings must be designed with consistent building materials and treatments that wrap around all façades visible from a public street. Where material or color treatments change, there should be a significant change in surface plane of a minimum of six inches in difference. Differing materials are encouraged to terminate at inside corners.	X	X	X	X	X	X	
Mechanical equipment such as compressor units must be screened to minimize visibility. If located on a roof, such equipment must be set back to ensure minimal visibility from the sidewalk. If located at ground level, mechanical equipment must be located to the rear of the building and landscaped or screened to minimize visual impact.	X	X	X			X	X

Facades that abut rear parking areas and contain a public entrance must maintain a minimum transparency of 20%.	X	X	X			X	
Facades must express a traditional visual distinction between the ground floor and upper stories through architectural features or detailing, change in materials, or a change in pattern elements such as fenestration.	X	X	X			X	
Buildings must maintain a predominantly traditional residential appearance through the use of architectural elements including but not limited to pitched roof forms, porches, balconies, bay windows, and stoops. (RT only)					X		
<b>Roof Design</b>	<b>DC</b>	<b>DG</b>	<b>DL</b>	<b>CE</b>	<b>RT</b>	<b>NR</b>	<b>IC</b>
Rooflines of 150' in length or more must be varied through the use of architectural design elements such as dormers, gables, or projected wall features. Such elements of variation may be no wider than 75'.	X	X	X	X		X	
Reflective roof surfaces that produce glare are prohibited, except for solar panels or cool roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	X	X	X	X	X	X	X
Where parapet walls are used, they must feature three-dimensional cornice treatments or other shadow-creating details along their tops.	X	X	X	X	X	X	X
<b>Site Design</b>	<b>DC</b>	<b>DG</b>	<b>DL</b>	<b>CE</b>	<b>RT</b>	<b>NR</b>	<b>IC</b>
Sites must be designed to ensure safe pedestrian access from the public right-of-way, and safe pedestrian circulation within the development.	X	X	X	X	X	X	X
A cohesive visual character must be maintained through the use of coordinated hardscape (paving materials, lighting, street furniture, etc.) and landscape treatments within the development.	X	X	X			X	X
Off-street parking and traffic flow must not interfere with the flow of pedestrian travel or otherwise detract from the aesthetic character of a development or redevelopment. All off-street parking must be screened or aligned so that light from vehicle headlights do not adversely impact abutting properties.	X	X	X	X	X	X	X

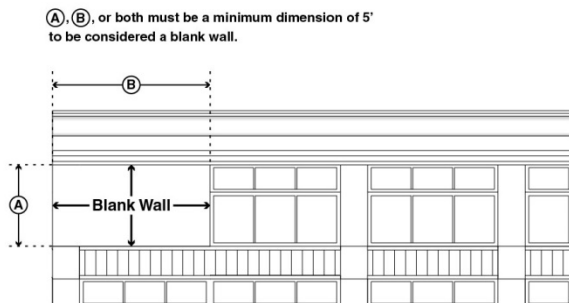
## Definitions and Illustrations

A series of additional definitions and illustrations will be needed to explain some of the new terms used within the Form-Based Zoning. An initial set of these definitions is included below for reference.

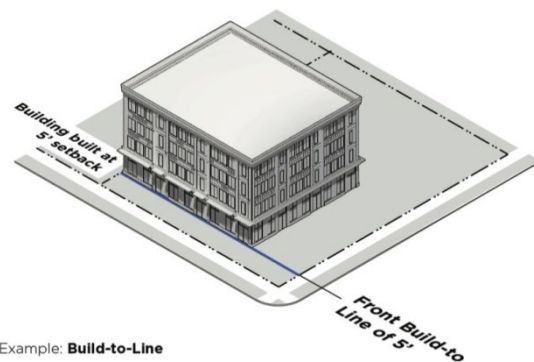
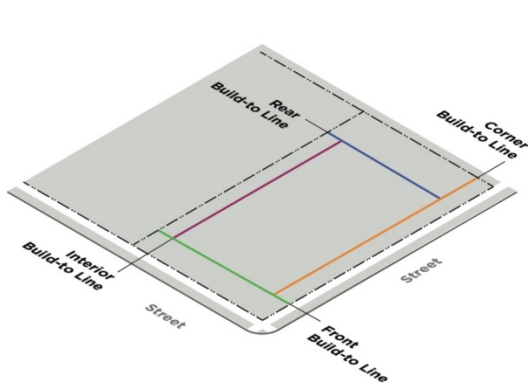
**Blank Wall, Ground Floor.** The horizontal linear dimension of contiguous building wall that does not contain fenestration, doors, or decorative elements such as banding, medallions, artwork such as murals and mosaics, change in wall plane of at least three inches, or other architectural or material embellishment. Any wall less than five feet in height is not considered to be a blank wall.



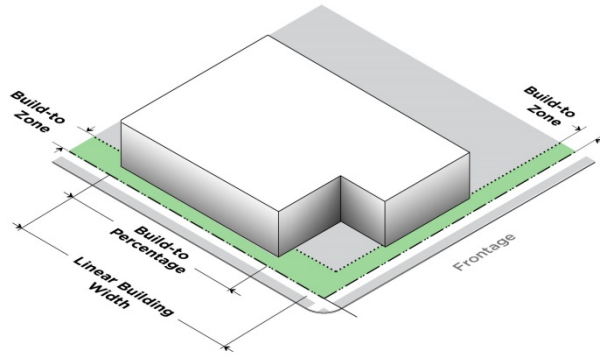
**Blank Wall, Upper Floor.** The horizontal or vertical linear dimension of contiguous building wall that does not contain fenestration, doors, or decorative elements such as banding, medallions, artwork such as murals and mosaics, change in wall plane of at least three inches, or other architectural or material embellishment. Any wall with a minimum dimension of less than five feet (height or width) is not considered to be a blank wall.



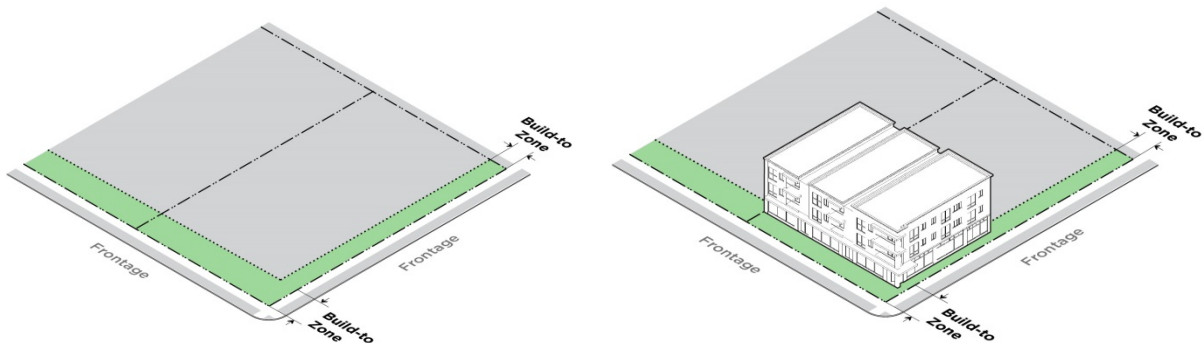
**Build-To Line (BTL).** A build-to line (BTL) is a set line on a lot, measured perpendicularly from the applicable lot line, where a structure must be located. The building line of a structure must be located on the build-to line. Facade articulation, such as window or wall recesses and projections are not counted as the building line, which begins at the applicable façade wall.



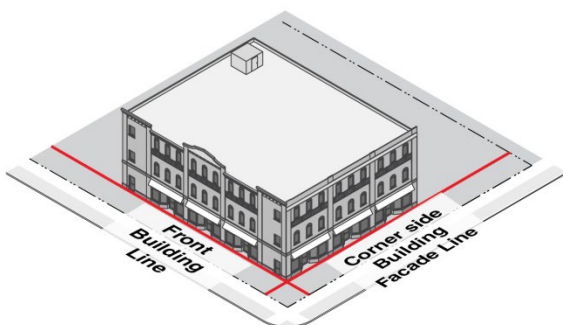
**Build-To Percentage.** A build-to percentage specifies the percentage of the building facade that must be located within the build-to zone or at the build-to line. Facade articulation, such as window or wall recesses and projections, do not count against the required build-to percentage. Plazas, outdoor dining, and other public open space features that are also bounded by a building facade parallel to the frontage are counted as meeting the build-to percentage. Build-to percentage is calculated by building facade, not lot width.



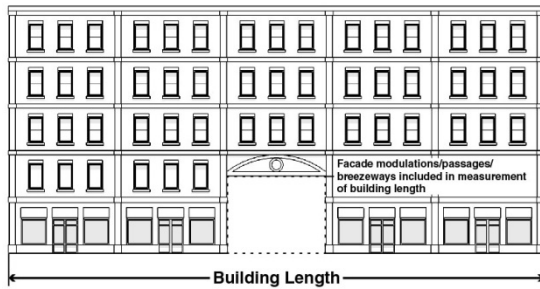
**Build-To Zone (BTZ).** A build-to zone (BTZ) is the area on a lot, measured perpendicularly from the lot line, within which a structure must locate. A build-to zone sets a minimum and maximum dimension within which the building facade line must be located (e.g. 0-5'). Facade articulation, such as window or wall recesses and projections are not counted as the building facade line, which begins at the applicable facade wall.



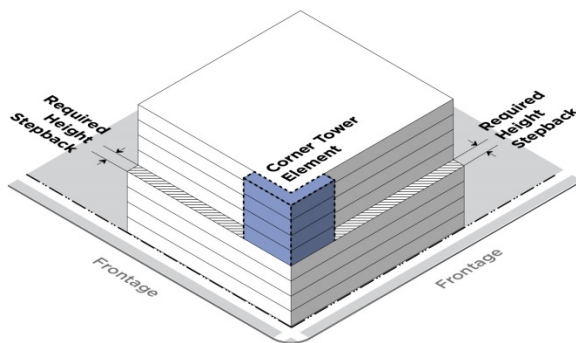
**Building Line.** The vertical plane along a lot where the building's facade is located. Upper story building lines relate to that part of the facade that requires a setback.



**Building Length.** Building length is measured as the length of the facade abutting a frontage type. Passageways, breezeways, ground floor passages, and similar building connections are included in the calculation of total building length.



**Corner Tower Element.** A corner tower element is an accentuated vertical element located on a building corner at a street intersection that can be located within a required setback. In no case may the corner tower element exceed the building's overall height.



**Stepback.** A stepback is the required additional distance that upper stories of a structure must be recessed from the facade of the stories below. A required stepback must continue through all upper stories once established, though it may be increased from any required minimums on any stories.

**Transparency.** Transparency is the required amount of window area as a percentage of the specified facade area. Doors are included in ground floor transparency when such doors are designed with glass or other transparent materials. To qualify as transparent for the calculation, the glazing must meet the following standards:

- 1) Ground floor transparency must have a minimum 60% Visible Light Transmittance (VLT) and no more than 15% Visible Light Reflectance (VLR).
- 2) For upper floor glazing, the glazing must have a minimum of 40% VLT and no more than 15% VLR.
- 3) Colored tinting is prohibited.
- 4) The following do not meet the ground floor or upper floor transparency requirements and do not count in meeting the standard:
  - a) Windows with interior shadowboxes
  - b) Glass block
  - c) Printed window film, regardless of whether it allows views into or out of the building.

# X.1 Building Form and Development Standards

X.1.1 Downtown Core .....X-2

X.1.2 Downtown Growth.....X-

X.1.3 Downtown Limited .....X-

X.1.4 Commercial Edge .....X-

X.1.5 Neighborhood Redevelopment .....X-

X.1.6 Residential Transition .....X-

X.1.7 Institutional Campus.....X-



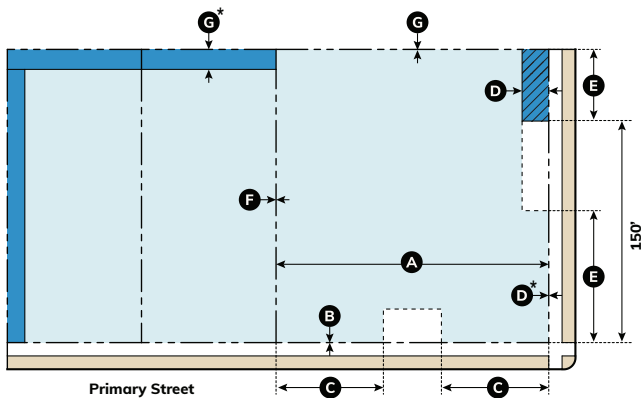
### **X.1.1 Downtown Core**

**Downtown Core: Illustrative/Character Graphic to be inserted.**

#### **A. Purpose**

The DC Subdistrict is the heart of downtown Keene, accommodating the highest intensity of development. The Subdistrict is intended to accommodate a rich mix of commercial, residential, civic, cultural and open space uses in a highly walkable, vertically and horizontally mixed-use environment.

## B. Dimensions and Siting



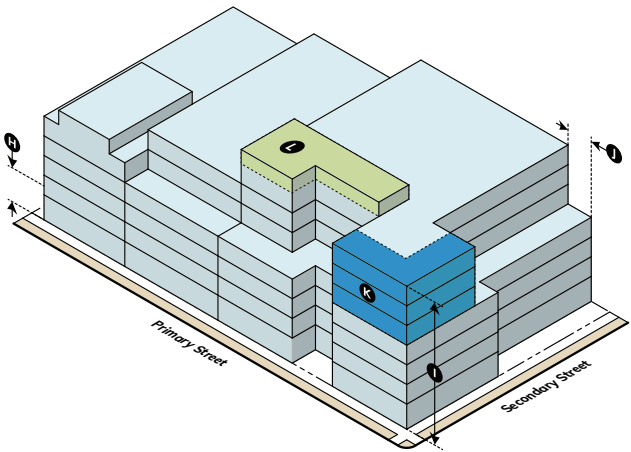
### Lot and Building Dimensions

Minimum Lot Area	None
Minimum Lot Width	None
<b>A</b> Maximum Building Length	250'

### Building Siting

<b>B</b> Primary Street Setback	0' Build-to Line
<b>C</b> Primary Street Build-to Percentage	80%
<b>D</b> Secondary Street Setback	0-10' Build-to Zone *Unless within 150' of a primary frontage, then 0' Build-to Line
<b>E</b> Secondary Street Build-to Percentage	60%
<b>F</b> Interior Side Setback	0' *Unless abutting residential district or RT subdistrict, then 15' Min.
<b>G</b> Rear Setback	0' *Unless abutting residential district or RT subdistrict, then 15' Min.

## C. Building Height



### Building Height

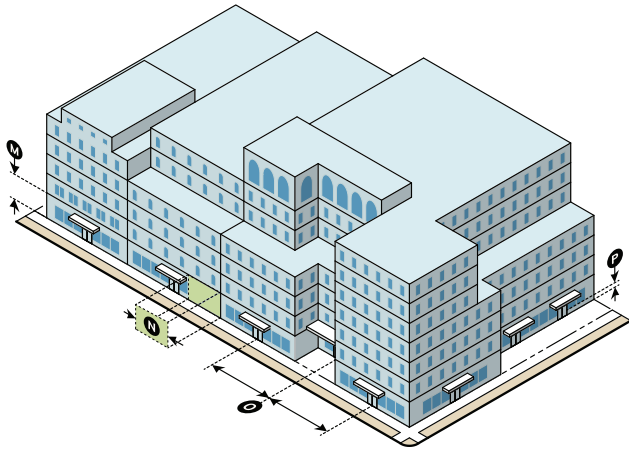
<b>H</b> Minimum Building Height	18'
<b>I</b> Maximum Building Height	85' and 7 Stories
<b>J</b> Minimum Height Stepback <sup>1</sup>	15'
<b>K</b> Corner Tower Element <sup>2</sup>	
<b>L</b> Permitted Height Exception <sup>3</sup>	

<sup>1</sup> Height stepback required for buildings taller than 65' in height. Stepback must occur above the ground story and no higher than the 5th story.

<sup>2</sup> Corner tower element limited in width and depth to a maximum of 25% of the building frontage. May exceed height at which stepback is required, but may not exceed overall building height.

<sup>3</sup> Buildings may exceed maximum permitted height by 8' for a maximum of 25% of the square footage of the top floor. Such additional height may not be used to create an additional story.

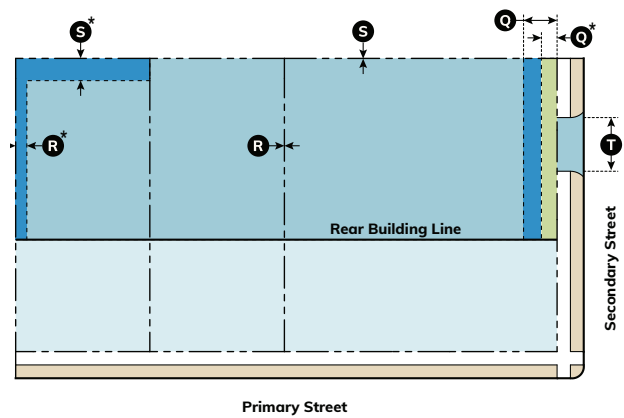
## D. Activation



### Building Activation

<b>M</b>	Minimum Ground Floor Height (Floor to Floor)	14'
<b>N</b>	Maximum Blank Wall Area	20'
<b>O</b>	Maximum Building Entry Spacing	Primary Street: 30' Secondary Street: 50'
<b>P</b>	Maximum Vertical Distance Between Building Entry and Sidewalk	3'
	Minimum Ground Floor Transparency	50%
	Minimum Upper Floor Transparency	15%

## E. Parking






### Parking Location & Access

Permitted Parking Location	Parking permitted to the rear of the building only
Minimum Primary Street Parking Setback	N/A (Not Permitted along Primary Street)
<b>Q</b> Minimum Secondary Street Parking Setback	15' Min. *May be reduced to 7' behind front building line, with the construction of a solid masonry wall <sup>1</sup>
<b>R</b> Minimum Interior Side Parking Setback	0' *Unless abutting residential district or RT subdistrict, then 5'
<b>S</b> Minimum Rear Parking Setback	0' *Unless abutting residential district or RT subdistrict, then 10'
<b>T</b> Minimum Parking Access Width	Primary Street: Not permitted Secondary Street: 12' for one-way, 24' for two-way

<sup>1</sup> Solid masonry wall, if constructed, must be a minimum of 3' in height, to a maximum of 4.5' in height. Such wall must be constructed at the required setback for the length of the entire parking lot.

# 2020 Building Better Together (UDO)

 <p><b>BUILDING BETTER TOGETHER</b> KEENE NEW HAMPSHIRE</p>	 <p><b>SIMPLE</b> New regulations will be easy to navigate &amp; will include graphics to outline a clear process, from start to finish.</p>	 <p><b>EFFICIENT</b> The updated structure will provide a set of clear procedures for development queries, &amp; will create a more streamlined application process – eliminating the need to navigate multiple points of contact.</p>	 <p><b>THOUGHTFUL</b> Although our regulations have worked in the past, they can be outdated &amp; confusing. This update will help guide us into the future, while protecting the crucial elements that make this a great place to live, work, &amp; play.</p>	<p><b>Historic District Regulations</b></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.<sup>1</sup> 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.

<sup>1</sup> 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).