

City of Keene
New Hampshire

ADOPTED

HISTORIC DISTRICT COMMISSION
MEETING MINUTES

Wednesday, February 17, 2016 4:30 PM 2nd Floor Conference Room, City Hall

Members Present:

Dan Bartlett, Vice-Chair
Anita Carroll-Weldon
Joslin Kimball Frank
Jim Duffy

Staff Present:

Tara Kessler, Planner

Members Not Present:

Hanspeter Weber, Chair
Dave Bergeron, Alternate

1. Call to order

Mr. Bartlett called the meeting to order at 4:30 PM. Roll call was conducted.

2. Minutes of Previous Meeting-January 20, 2016

Ms. Kimball Frank made a motion to accept the minutes of January 20, 2016 with the following changes. Mr. Duffy seconded, which carried unanimously. Ms. Carroll-Weldon stated that pg. 2 reads, “material of the storefronts’ baseboards” and should instead read, “material of the storefront’s baseboards”. She continued, stating that pg. 5-middle paragraph it reads, “Would the Commission like to applicant to come back to the Commission.” but should instead read, “Would the Commission like the applicant to come back to the Commission?”

3. Public Hearings

a) COA-2016-01 – 85 Emerald Street - Applicant, Mondog LLC, on behalf of owner, Barbara J. O’Brien Revocable Trust, is proposing to renovate the building and install two additions at 85 Emerald Street. The applicant is requesting a waiver from Section XV.C.1.b)4) of the Historic District Commission Regulations to side the exterior of the building with vinyl siding. This building is ranked as a Non-Contributing Resource (Tax Parcel #046-04-002)

Ms. Kessler stated that staff recommends that the application is complete. Mr. Duffy made a motion to accept the application. Ms. Kimball Frank seconded the motion, which passed unanimously.

Mr. Bartlett opened the public hearing and invited the applicant to speak on behalf of the request.

Malcom Katz of 55 Wilder Street, Keene approached the Commission. Mr. Katz stated that he is the architect for the project and noted that his Keene State College Commercial Construction class is present. Mr. Katz noted that the building at 85 Emerald Street is of interest to the applicants, who would like to see business be brought back into the downtown. Mr. Katz went on to describe the coloring of the

building and stated that it will be a three-color combination including gray, off-white and slate and will be attractive for the neighborhood.

Mr. Bartlett read aloud the waiver criteria to the Commission. Ms. Kimball Frank asked if the white vinyl siding will stay on the peaks of the building to which Mr. Katz replied, yes. Mr. Katz stated that the windows would be white trimmed. Mr. Katz noted that the proposed designs reposition the main entrance of the building from Emerald Street to side of the building facing School Street. He continued, pointing out that the wall facing School Street currently has eight garage door openings that have been bricked over.

Ms. Kimball Frank inquired about the back of the building where there is a fence and trailer. Mr. Katz stated that the area would be cleaned up with a new fence. Ms. Kimball-Frank inquired about the trees and greenery on the map. Mr. Katz noted that current vegetation is not maintained and the area will be restored. He added that vegetation of some kind will also be added to the entryway. Mr. Katz noted that the new addition would be of the same height as the existing building onsite. He continued, stating that the exterior lighting installed would only be on during operational hours. Mr. Katz stated that there are two businesses planned for the first floor of the building and the remaining space will be for offices.

Mr. Katz stated that the building is in the Central Business zoning district and has 35 spots for parking, including two handicap spaces near the new building entrance. He noted that the Central Business zone does not have parking requirements. He continued, noting that access to the parking lot will be from Emerald Street.

Ms. Kessler stated that relevant standards for the Commission to address are in the packet prepared for and shared with Commission members for this meeting. She continued, stating that the building at 85 Emerald Street is a non-contributing resource built in 1957. She noted that the only primary resource in the surrounding area are the Chabott coal towers. Ms. Kessler stated that she tried to find historic photographs documenting what the building looked like in the 1960s, but was unsuccessful. She noted that the Area Inventory forms do not indicate any character-defining or historic features of note.

Ms. Kessler stated that Mr. Katz addressed the question of building material. She continued, referring to two sections of the Historic District Regulations, including Section XV.A.4.b) 4) and Section XV.A.4.b) 6), which focus on parking. Ms. Kessler stated that there is no defined curb cut at the present moment onsite, and that the applicant is proposing to create a more distinct curb cut as well as install additional landscaping. Ms. Kessler stated that new ornamental trees and turf would be added as well. Ms. Kessler referred to Section XV.A.5.b) 4) noting that a dumpster will be added to the rear of the building and will be screened by a wooden stockade fence.

Mr. Bartlett invited members of the public to speak on the proposed application.

Ms. Kimball Frank stated that this proposed development would be a great improvement to the site and that she does not feel it will not detract from the surrounding neighborhood. Mr. Duffy agreed and stated that the development is a great improvement. Ms. Carroll-Weldon agreed. Ms. Kimball Frank asked if the sidewalk would be extended. Mr. Katz stated that the city has a future proposal to extend the sidewalk. Mr. Bartlett agreed that the development would be a positive change.

Ms. Kessler noted that the application will be going before the Planning Board as well.

A motion was made by Mr. Duffy to approve COA-2016-01 for the proposed building and site renovations, additions, and waiver from Section XV.C.1.b) 4) of the HDC Regulations at 85 Emerald Street as described in the application and shown on the Site Plan and Building Elevations entitled,

“Additions and Renovations for 85 Emerald Street, Keene, New Hampshire,” drawn by Katz Architect, and submitted to the Planning Department on January 27, 2016.

Ms. Kimball Frank seconded the motion, which carried unanimously.

4. Proposed Main Street Historic District Commission (HDC) Draft Ordinance – Review of Draft Ordinance prepared by the HDC Ordinance Review Subcommittee

Ms. Anita Carroll-Weldon came before the Commission to present on the work of the HDC Ordinance Review Subcommittee. This Subcommittee was formed in 2014 to research and draft an Ordinance to establish a historic district for the area of Main Street south of its intersection with Winchester and Marlboro Street and north of NH Route 101. The Subcommittee, which was composed of representatives from the HDC and the Heritage Commission, met monthly and meetings were open to the public. All meetings were publically announced on the city’s web site and notices of meetings were sent to residents and property owners of the area. Minutes of all meetings have been posted on the city’s web site. In addition to monthly meetings, there have been two public forums to get comments from residents and property owners on the proposed district.

Ms. Carroll-Weldon stated that Main Street has been deemed by the NH State Department of Historic Resources as ‘likely unparalleled in the whole state’, containing buildings from the 18th century through the 20th century that represent the changes in our culture and economy from the American Revolution through the Industrial Revolution. She noted that it is very important to preserve the neighbor character and historic character-defining features of the iconic buildings of this area. Once these buildings are lost, they cannot be replaced. She commented that two architecturally important buildings in the area were raised to build the Westwood Center nursing facility in the 1960s, before there were any policies in place to protect historic buildings. Ms. Carroll-Weldon noted that although most current owners in the proposed area have taken excellent care of their properties, they will not always be the owners.

Ms. Carroll-Weldon noted that the Subcommittee, by way of research, reviewed the standards of towns and cities in NH that have established historic districts in residential areas. Historic district regulations reviewed closely by the Subcommittee included Jaffrey, Hancock, Sanbornton, Harrisville, and Fitzwilliam. Ms. Carroll-Weldon stated that these other districts require review for 21 different characteristics including roofing materials, siding, paint color, porches, pavement, lighting, fencing, demolition, new construction, etc. She continued, stating that initially, the Subcommittee was considering a longer list of activities that would be regulated under the proposed Main Street Historic District. After receiving feedback from the public at a forum held in the spring of 2015, the Subcommittee decided to scale back the types of activities that would be subject to review in the proposed district to 8. Ms. Carroll-Weldon stated that these eight activities include alterations to rooflines or roof features; alterations/additions/removal of window openings; alterations/additions/removal of door openings; relocation, demolition or partial demolition; painting of previously unpainted masonry; new construction of primary structures; and new additions or accessory structures greater than 5% of the primary structure’s gross floor area or greater than 250 square feet in gross floor area, whichever is greater.

Ms. Carroll-Weldon stated that areas not in view of any public way and in some instances, buildings listed as a non-contributing resource, would be exempt from the review process. There would also be no review for ordinary maintenance. Ms. Carroll-Weldon stated that the ordinance encourages preservation of historic structures, and if adopted it will underscore the importance of this area to the community. Ms. Carroll-Weldon read aloud a statement from the Department of Historical Resources.

Ms. Kessler stated that some materials included in the packet are proposed changes to the City Code, which are under the purview of the City Council. She continued, stating that the HDC Subcommittee has

proposed changes to Chapter 102 of the City Zoning Ordinance and Chapter 18 of the City's Building Regulations. Ms. Kessler noted that the proposed changes to Chapter 102 include amendments to both the text and zoning map to acknowledge and address the boundaries of a Main Street Historic District. Ms. Kessler referred to pg. 21-27 of the meeting packet and stated that the items that are underlined are proposed additions and items that are stricken are proposed for removal. She then described the City Council process for reviewing/approving the proposed changes following review/potential amendments to the Ordinance by the HDC.

Ms. Kessler noted that the meeting packet also contains draft regulations for the proposed Main Street Historic District. She noted that these draft regulations will be shared with the City Council; however, it is the authority of the HDC to develop and adopt these regulations.

Ms. Kessler noted the boundaries of the proposed proposed Main Street Historic District. She explained the differences between the existing regulations for the Downtown Historic District and draft regulations for the proposed Main Street Historic District. She noted that the Downtown Historic District has four resource ranking categories. The HDC Subcommittee has proposed two resource rankings for the Main Street District (e.g. contributing and non-contributing). Mr. Duffy stated that there seem to be few non-contributing structures in the proposed Main Street District. Ms. Kessler confirmed that there are under ten in the inventory prepared by Lynn Monroe for the district; however, these rankings are subject to change if the Ordinance were to be adopted.

Ms. Kimball Frank inquired about Sec. 18-361 on page 24 and wondered if more detail was needed in the section relating to activities that are exempt from the district regulations. Ms. Kessler noted that the staff tried to keep the list of exemptions simple and straightforward. Ms. Kimball Frank stated that it seems that some things like ordinary maintenance should be explained in this section so that individuals are aware that review by the HDC is not necessary for these activities.

Mr. Bartlett stated that ordinary maintenance is not listed as an exempt activity and believes there is a disconnect between the regulations and the proposed changes to City Code. Ms. Kessler stated that the list of exempt activities in the draft regulations and the proposed Code changes should be compatible. Ms. Kessler explained that the wording of Sec. 18-361 of the City Code for activities that are exempt from the Main Street Historic District was intended to clarify in what instances a project that may require review/approval from the HDC would be exempt from the review process. For example, although new construction requires approval from the HDC, it would be exempt if it were not visible from the public right of way.

Mr. Duffy stated that the regulations are the guide for people to use in interpreting the Ordinance and the proposed changes to the City Code are adding to what is already present. Ms. Kimball Frank stated that subsection 2. Main Street Historic District under Sec. 18-361 does not currently exist in Chapter 18 of the City Code and that some of the activities that are exempt from the Downtown Historic District, such as ordinary maintenance and repair, are exempt from the proposed Main Street Historic District. Mr. Duffy stated that Sec. 18-361 subsection 2, might deserve extra or more precise language to address Ms. Kimball Frank's concern.

Mr. Lamb stated that there is no objection to including additional language in this section. However, because the types of activities that are subject to review in this proposed district are significant changes to structures, it may not be necessary to state that ordinary maintenance and repair is an exempt activity. Ms. Kessler stated that it was assumed that if an activity is not present on the list of activities requiring review in the proposed historic district, it would be exempt. Section 18-361 is intended to clarify in what circumstances would a proposed activity that is present on the list in Section 18-360 be exempt from

review. Ms. Kessler noted that the HDC Subcommittee had deliberated this question at previous meetings.

Mr. Duffy asked if this item should be discussed further. Ms. Kessler stated that this is the opportunity for the Commission to make necessary amendments to the proposed Ordinance before it is sent to City Council. Councilor Manwaring noted that constituents will want to know precisely what is exempt in the Ordinance and agrees with Ms. Kimball Frank.

Mr. Bartlett stated that if it does not appear on the list of activities requiring review then it is appropriate for individuals to assume it is exempt. Mr. Lamb agreed. Councilor Manwaring stated concern with maintaining the current list of exemptions in the Main Street Historic District under Sec. 18-361 because with it will appear as if more activities are exempt in the Downtown Historic District.

Mr. Lamb stated that it is difficult to describe both the list of activities that are subject to review in the district and the activities that are exempt in one Ordinance. He continued, stating that informational or educational materials on the activities that are allowed or not allowed in the proposed district can be created and shared with the public.

Ms. Kessler referred to Chapter 18 and noted that it sets framework for what activities require review in the proposed district. She continued, stating that while it is possible to include language about what activities are exempt, she is concerned that the list of exempt activities could be exhaustive. It was suggested by a Commission member to add a statement that notes, "any activities not included in Sec. 18-360 are exempt from review of the HDC." Ms. Kessler noted that the HDC Regulations might be a more appropriate document to further draw out what is exempt than the City Code.

Mr. Duffy stated that this concern will also come up in public meetings as well and some kind of language needs to be added. He continued, stating that while it may cause confusion it states exemptions very clearly. Ms. Kimball Frank stated that the list of exempt activities in the Main Street Historic District should resemble those included in the list of exempt activities for the Downtown Historic District.

Mr. Duffy noted that he would like to focus on the regulations. Mr. Bartlett stated that he is less concerned about the City Code.

Moving on, Mr. Bartlett referred to the draft regulations for the proposed Main Street Historic District and asked why anyone would apply for an exemption if a structure is not visible from a public way. Mr. Lamb stated that individuals discover if their structure is subject to HDC review when they apply for a building permit. He continued, stating that staff would conduct an assessment of whether the structure is in the historic district and if so is the proposed activity exempt from the regulations. However, in some instances, a project may not need a building permit and it would be upon the property owner to exhibit that the proposed project is exempt from the regulations.

Ms. Kessler asked Mr. Lamb the reason for having a statement in the Ordinance about the exemption application. Mr. Lamb replied that this is for the City's documentation.

The Commission determined that the Ordinance should be discussed and reviewed further. Ms. Kessler noted that City Council is currently reviewing several applications and this Ordinance would not come before the Council until April or May.

The Commission decided to table voting on the draft Main Street Historic District Ordinance until the next meeting.

5. Other Business

Ms. Kimball Frank asked about new members and stated that she reached out to individuals. Ms. Kessler stated that they would work together and follow-up with these individuals.

Ms. Kessler noted that the remaining position is a joint position with both the Heritage and the Historic District Commission. She continued, stating that Councilor Powers will be joining the Commission as well.

6. Next Meeting-March 16, 2016

7. Adjournment

Mr. Bartlett adjourned the meeting at 6:10 PM.

Respectfully submitted by:
Lana C. Bluege, Minute-taker
February 17, 2016

Edited by:
Tara Kessler, Planner
March 8, 2016