



City of Keene, New Hampshire

## **Historic District Commission**

### **AGENDA**

Wednesday, March 20, 2019

4:30 PM

2<sup>nd</sup> floor Committee Room

#### **Commission Members:**

Hanspeter Weber, Chair  
Andrew Weglinski, Vice Chair  
Thomas Powers, Councilor  
Nancy Proctor

Erin Benik  
Hans Porschitz  
Joslin Kimball Frank, Alternate

- 1. Call to Order and Roll Call**
- 2. Minutes of Previous Meeting** – February 20, 2019
- 3. Keene Building Better Together: HDC Regulations** – City staff will present a draft of the revised Historic District Commission Regulations that are proposed as part of the City's efforts to update its zoning & permitting processes to create a simpler & more efficient experience for all. To learn more about the project, called "Building Better Together," please visit [www.keenebuildingbetter.com](http://www.keenebuildingbetter.com).
- 4. Staff Updates**
  - a) Resource Ranking Subcommittee
- 5. Next Meeting** – April 17, 2019
- 6. Adjourn**

City of Keene  
New Hampshire

**HISTORIC DISTRICT COMMISSION**  
**MEETING MINUTES**

**Wednesday, February 20, 2019**

**4:30 PM**

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

**Members Present:**

Hanspeter Weber, Chair  
Andrew Weglinski, Vice Chair  
Erin Benik  
Hans Porchitz  
Nancy Proctor  
Councilor Thomas Powers (Left Early)  
Joslin Kimball Frank, Alternate

**Staff Present:**

Mari Brunner, Acting Planner

**Members Not Present:**

**SITE VISIT: At 3:30 PM in advance of the meeting, Commission members conducted site visits at the following properties: 42-46 Main Street, 17-19 Federal Street, 19-25 West Street, and 34 Court Street.**

**1) Call to Order and Roll Call**

Chair Weber called the meeting to order at 4:30 PM and Ms. Brunner conducted roll call.

**2) Minutes of Previous Meeting – January 16, 2019**

Mr. Weglinski moved to approve the minutes of January 16, 2019, which Councilor Powers seconded and the Historic District Commission carried unanimously.

**3) Continued Public Hearing**

- a. COA- 2018-03 – 34 West Street – Late Application for Window Replacement – Applicant Greg Johnson, on behalf of owner West Street Keene LLC, requests retroactive approval for replacement of all exterior windows. A waiver is requested from Section XV.B.5.b.2 of the HDC Regulations regarding window appearance and Section XV.B.5.b.3. of the HDC Regulations regarding design materials. The property is ranked as a Primary Resource and is located at 34 West Street (TMP# 575-033-000-000) in the Central Business District.**

Chair Weber opened the public hearing and welcomed Mr. Johnson, who said the owner is unwilling to comply with this Commission's request to install exterior muntin grids on the windows. The owner believes they followed all necessary procedures when requesting building permits and they were not notified that HDC input was necessary. The owner believes the windows have resulted in significant energy savings and that adding muntins is cost prohibitive and would require excessive maintenance (for example, he said nothing could adhere in the cold weather for demonstration purposes).

Mr. Porchitz said he supports the window replacement for energy efficiency but is not content because rules were not followed to comply with HDC standards. He thinks there is a way to compromise by installing muntins only on the façade facing West Street to mitigate costs and provide the aesthetic this Commission is trying to preserve. After the site visit and seeing the different angles, he recommended requiring the muntins on the West Street façade and granting a waiver for the rest of the building.

Ms. Benik asked if Mr. Johnson or the owner attempted to adhere anything to the windows since the January meeting (and in the cold weather). Mr. Johnson replied that they did not try; the general contractor visited the site and said the problem is the cold weather and it was futile to try adhering something before spring or summer.

Chair Weber requested staff comments. Ms. Brunner recalled that the owner requests retroactive approval for the replacement of all exterior windows and requests waivers from Section XV.B.5.b.2 of the HDC Regulations regarding window appearance and Section XV.B.5.b.3. of the HDC Regulations regarding design materials.

Chair Weber recognized Wesley Paige, Senior Warden at St. James Church (direct abutter), who expressed the Church's support for the building's appearance as is. They understand the historic considerations but have no problems with the work that was done as a neighbor.

With no further comments, Chair Weber closed the public hearing. He believes the HDC regulations can be found easily and for such a prominent building in particular, the owner should have researched the relevant City regulations. He recommended that at the very least the applicant should rectify the mistake partially by installing exterior muntins on the West Street façade. He would prefer to see the six windows on the front façade *and* the three windows on the west façade with exterior muntins, but he would be content with just the fix to the windows on the front façade.

Councilor Powers agreed with Chair Weber's idea but recalled that Mr. Johnson reported the owner is unwilling to do anything. He asked what will happen if the Commission denies the waiver and the owner does not comply. He recalled this matter has been continued for months already and the applicant should be proposing solutions to the mistake, not the Commission. Ms. Brunner noted she confirmed with the City Attorney that the Commission does have the ability to grant a partial waiver.

Mr. Porchitz said, in his professional experience, he believes there should be technology available to apply exterior muntins in the field as it has been demonstrated in factory settings.

Ms. Benik asked the cost of muntin installation per window. Mr. Weglinski replied approximately \$614 per window.

Mr. Weglinski made the following motion, which Mr. Porchitz seconded: Move for the HDC to approve a partial waiver from Section XV.B.5.b.2 for change in window appearance for the windows on the south, west, and east facades of the building, a full waiver from Section XV.B.5.b.3 for change in window material, and COA-2018-03 for replacement of all exterior windows as described in the application and supporting materials submitted to the Community Development Department by Greg Johnson on behalf of owner, West Street Keene, LLC on August 23, 2018 with the following conditions:

1. Installation of exterior muntin grids on the six windows on the north façade of the building facing West Street.

Councilor Powers moved to amend the conditions of the previous motion authorizing staff to approve the product used for the exterior muntin grids and to stipulate that the muntin grids shall be installed by June 1, 2019. Ms. Benik seconded the motion, which the Historic District carried unanimously.

On a vote of 7-0, the Historic District Commission approved a partial waiver from Section XV.B.5.b.2 for change in window appearance for the windows on the south, west, and east facades of the building, a full waiver from Section XV.B.5.b.3 for change in window material, and COA-2018-03 for replacement of all exterior windows as described in the application and supporting materials submitted to the Community Development Department by Greg Johnson on behalf of owner, West Street Keene, LLC on August 23, 2018 with the following conditions:

1. Installation of exterior muntin grids on the six windows on the north façade of the building facing West Street. Staff shall approve the product used for the exterior muntin grids. The muntin grids shall be installed by June 1, 2019.

#### 4) Public Hearings

- a. **COA-2019-05 – 34 Court Street – Grace Methodist Church Renovations – Applicant and owner Zach Luse proposes to replace 15 windows and install a 37.4 kW solar system on the roof of the building historically known as the Grace Methodist Church. This property is a Primary Resource and is located at 34 Court Street (TMP# 568-022-000- 000-000) in the Central Business District.**

Mr. Porchitz recused himself from this application hearing. Ms. Brunner recommended accepting the application as complete. Councilor Powers moved to accept application COA-2019-05 as complete, which Mr. Weglinski seconded and the Historic District Commission carried unanimously.

Chair Weber opened the public hearing and welcomed Zach Luse (property owner) and Dan Weeks (ReVision Energy, Nashua). Mr. Luse is a small business owner and also owns what is known as the Grace Methodist Church, the last remaining of the three Court Street churches, which is on the National Historic Register. Very little has changed since it was built 150 years ago; stained glass was added in the early 1900s and the slate roof was replaced with asphalt after the hurricane of 1938. He is excited to save this historic landmark and adapt it for future use. He hopes having a business at this location will add to the economic vitality of downtown. He intends to preserve the historic character as much as possible (interior and exterior). The greatest problem currently is heating costs (tens of thousands annually) that are making it an inviable space for most uses. Most of the improvements involve switching to renewable energy (which aligns with the City's goals) and improving the aesthetics of the building and surrounding area. He highlighted the aspects of the plan:

- Replace the first floor windows with those of similar character – replace the muntin grids almost exactly; one casement window will be restored to its original size
  - The new windows will have a simulated divided light, which Mr. Luse demonstrated on a photo that was provided at the meeting. He brought a sample window to the meeting as well to show what it would look like, but noted the sample does not have the grid pattern that the replacement windows would have.
- Infill a window between the two buildings.
- Replace two second floor windows at the rear of the building.
- Replace the south facing roof surface with asphalt and cover it with a 37.4 kW solar array, which will power the air source heat pumps that will heat and cool the first floor of the building resulting in nearly net zero energy costs for the space.

Mr. Weglinski asked if the Historic Register was consulted for these designs. Mr. Luse replied that it is just a registry and that it does not place restrictions on what can be done to a building unless the owner seeks the Historic Register tax credits; he considered pursuing those tax credits but it was inconvenient timing with the government shut-down. Mr. Weglinski asked then, if these renovations occur, if the building will still be eligible for the Historic Register. Mr. Luse replied yes, once a building is on the register there are no standards or processes to remove them.

Regarding the solar panels, the application said there would be no glare from the solar panels onto neighboring properties and that panels will not be visible from the public right-of-way. Mr. Weglinski asked how the owner can make those guarantees. Mr. Weeks said, in his 15-year professional history, the glare issue has been raised as a question in pre-installation but he has not heard of glare problems post-installation, with the exception of airport properties. Solar panels are designed to absorb sunlight; reflected

sunlight is wasted energy. By coating the thick, tempered glass (low iron content to reduce sun reflection; dimpled to reduce reflection) new technologies have achieved a reflection rate of only 2-8%; snow, for example, has an 80-90% reflection rate. The only other potential issue is the angle of the sun and panels; at this high elevation though, that might only pose a glare issue at sunrise and sunset but it would be a very dull reflection. Mr. Weglinski asked, with the dimpled surface, if the finish is gloss or matte. Mr. Weeks said it is difficult to detect just by looking. He is unsure if the terms apply correctly in this case, but he would call it more of a matte than a gloss. The dark blue or black color of solar cells under the glass is geared toward maximum absorption. The combinations of all of these materials result in the low reflection rate.

Councilor Powers asked if the entire roof is currently asphalt. Mr. Luse replied yes, with the exception of the slate steeple.

Chair Weber asked if the solar panels will have the same lifespan as the asphalt roof. Mr. Luse replied that a typical asphalt roof lasts 20-30 years, while the solar panels could have a lifespan of 40-50 years. However, in this case with virtually the entire south roof covered with solar panels, the lifespan of the roof should be longer because the greatest threat to it is solar radiation and weather.

Chair Weber asked how the edges of the roof and solar panels will align; in some cases there is a visual discrepancy between the two. Mr. Weeks said this situation is straight forward because it is a rectangular roof segment. While the edges will not be perfectly flush, they do not anticipate any visible impacts at that elevation, despite the panels rising 2-3" above the roof. Chair Weber asked if there are exterior muntins on the windows. Mr. Luse replied yes, there will be muntins on the interior and exterior.

Ms. Kimball Frank asked when the building was added to the Historic Register. Mr. Luse believed it was added in the 1980s. Ms. Kimball Frank said she owns a building on the Historic Register and it was her understanding she could not renovate the exterior; she questioned if that does not apply here because the only changes are to windows. Mr. Luse replied that he thinks that is a common misconception about the Historic Register; the National Park Service maintains the list and once a building is on that is there are no restrictions unless claiming the tax credits. He called the state preservation department to confirm there are no restrictions on these renovations.

Chair Weber asked for staff comments. Ms. Brunner reported that this property was originally the site of a wood-frame building, which was used as a Methodist Church from 1852 (its construction date) to 1867 or 1868, when it was sold and moved. The brick structure that stands there today was built in its place in 1868 - 1869 and has remained relatively unaltered. The building was designed by Shepard S. Woodcock, a Boston-based architect known as one of New England's leading exponents of the High Victorian Gothic style, and is listed on the National Register of Historic Places (added in 1985).

Ms. Brunner listed the first HDC regulation that applies to this application:

- Section XV.A.7.b. – Streetscape and Building Site – Renewable Energy Systems

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:*
  - a. *The rear or side of the property not facing a public right-of-way;*
  - b. *On accessory buildings or structures (such as sheds and garages) in a location that is least visible from the public right-of-way;*
  - c. *On newer additions to the primary structure in a location that is least visible from the public right-of-way;*
  - d. *On the flat roof of the primary structure, set back so as to be in the least visible location;*
  - e. *On secondary façades or roofs (i.e. not facing the public way) of the primary structure; and*
  - f. *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 HDC 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. The solar panels should be positioned to minimize glare onto neighboring properties.*
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.*

Ms. Brunner explained how the application addresses these regulations. The applicant proposes a 37.4 kW solar photovoltaic system that would be installed in two rectangular sections on the south-facing pitched roof. Due to the site configuration, this is the only feasible location for a solar array on the site. From the street level directly in front of the building or to the north of the building, the array will not be visible. However, it will be visible to someone standing south of the building looking north. The applicant proposes to use muted colors that will match the surrounding materials as closely as possible. A new asphalt roof with dark gray shingles will be installed, replacing the existing asphalt roof that was installed in 1938 and which the applicant notes is in bad repair. The solar arrays will be a uniform shape and the contractor, ReVision Energy, has stated that they will not be a source of glare for neighboring properties. They are only expected to reflect 2% of the light that hits them due to the following:

- The solar panels are made of "high-transmission, low-iron" glass to absorb as much light as possible;

- The solar panel surface is dimpled to diffuse light, increase light absorption, and decrease light reflection; and
- The solar panels have an anti-reflective surface treatment to maximize absorption.

In addition, the solar contractor has stated that any light reflected off the panel will bounce back at a higher angle than the surrounding buildings, and notes that the lowest portion of the lower roof of the church is still above any of the highest windows in the closest apartment building on the south side. Based on this information, there should be minimal or no impacts from glare on neighboring properties. Ms. Brunner also conducted her own analysis of the site; on the summer equinox at noon, the roof would have to be at a 54 degree angle for a horizontal glare. She was unsure of the roof pitch exactly, but it appears approximately 50 degrees. She said she is not an expert but based on her attempts glare did not seem likely at any other time of year.

Regarding supplementary equipment and supply lines, the applicant has noted that the only visible piece of equipment will be an electrical disconnect box that will be placed next to the existing power meter box on the eastern side of the bell tower, approximately 3'-4' above the ground. The applicant proposes to match the color and appearance of the new equipment to that of the existing in this area.

Ms. Brunner listed the next HDC regulation relevant to this application:

- Section XV.B.5.b.1-4 – Building Rehabilitation – Windows
  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:*
    - a. *clear-paned, non-tinted glass (except to replace historic stained or other types of translucent or opaque glass); and*
    - b. *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.*

Ms. Brunner explained how the application addresses these regulations. The applicant proposes to replace 13 first floor windows on the sides and rear of the building and two second floor windows on the rear of the building. The existing wood windows are double hung with a six over six grid arrangement and true divided lights. The proposed replacement windows would be “Wood-Ultrex® Insert Double Hung” windows from Marvin Windows and Doors. They would be wood windows with a Fiberglass coating on the exterior and simulated divided lights with a spacer bar between the glass. The



applicant has noted that the existing exterior wood trim would be stripped and repainted, but would otherwise remain intact. The existing wood window sill will be overlaid with a thin tapered piece of wood and painted to match the existing in order to provide better drainage and prevent water damage. The existing granite sills will not be altered or removed.

There is one window on the north side of the building toward the rear, which was replaced with a smaller casement window; the applicant proposes to restore this window to its original size to match the other windows on the north façade of the building. In addition, there is one window on the south side of the building that is blocked from view by the building next door; the applicant proposes to infill this window. The applicant has provided floor plans for the building that show the locations of the windows proposed for replacement, along with the window to be restored to its original size and the window to be infilled. These floor plans are included in the meeting packet. The applicant has noted that the proposed replacement windows would match the existing as closely as possible in terms of size, dimensions, and grid arrangement. They would be painted a dark bronze color, which the applicant notes is closer to their original color based on historic photographs. The window details provided by the applicant and photos of the existing windows as they appear today are included in the meeting packet.

Chair Weber recognized Peter Poanessa (36 Dickinson Road), who spoke in support of the renovations.

Chair Weber asked if the window color can be customized before installation. Mr. Luse replied yes, he is looking at a bronze color window frame that seems similar to the original; the trims will have to be painted to match.

Chair Weber recognized Hans Porchitz (46 Probate Street) who spoke in favor of these renovations as they align with the City's 100% renewable energy goals. He thinks this is a good use of the building, which is in an ideal location/position for a solar array that can make the building self-sustaining.

Chair Weber asked what Mr. Luse's business is. Mr. Luse said he owns Paragon Digital Marketing, which has a staff of 13 currently and is growing.

With no further comments, Chair Weber closed the public hearing.

Mr. Weglinski said he had no problems with the windows or the solar panels on the lower portion of the roof. However, he was concerned about solar panels on the upper portion of the roof because they will be very visible on such a prominent historic building; however, he is conflicted because he supports renewable energy and the great reuse of this historic building.

Councilor Powers made the following motion, which Ms. Benik seconded. On a vote of 5-1, the Historic District Commission approved COA-2019-05 for replacement of 15 windows and installation of a 37.4 kW solar array on the property located at 34 Court

Street (TMP# 568-022-000-000-000) as presented in the application and supporting materials submitted to the Community Development Department on January 30, 2019 with no conditions. Mr. Weglinski opposed.

- b. COA-2019-02 – 42-46 Main Street – Walldogs Mural – Applicant Magical History Tour, on behalf of owner Tridee Associates Inc., proposes to paint a mural not to exceed 270 sf in size on the north façade of the building historically known as the Woolworth Building. The property is ranked as a Contributing Resource and is located at 42-46 Main Street (TMP# 575-055-000-000-000) in the Central Business District**

Mr. Porchitz returned to the Commission.

The next three applications are part of a larger project called Walldogs in Keene: Magical History Tour. Since all of these applications are part of the same project, Chair Weber asked the applicant to first provide background information about the overall project before the Commission would consider and vote on each application separately.

Mr. Poanessa and Judy Rogers (Woodbury Street) provided an overview of the Walldogs festival. The festival will produce permanent outdoor artwork depicting local historical content, bringing in artists from outside the area and local artists together for three days in June 2019. These will be the last applications for the festival before the HDC.

The following three applications all refer to the same relevant HDC regulations the applicant must meet for approval, as follows:

- Section XV.B.2.b.3 – Masonry
  - *3) Masonry shall not be sandblasted or abrasively cleaned, but cleaned with the gentlest method possible, such as low-pressure cleaning at garden hose pressure, using water or detergents.*
- Section XV.B.2.b.5 – Masonry
  - *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 all of the following conditions:*
    - *i. The mural will enhance or complement the historic or architectural features of the structure or site, and*
    - *ii. The mural will enhance or complement the historic character or context of the surrounding area, and*
    - *iii. The mural will showcase images of local places, people, and/or products that have historic significance to Keene and/or the surrounding region, and*
    - *iv. The mural will be designed by a professional mural artist or sign painter, and*
    - *v. The mural is not located on the primary elevation of a Primary or Contributing Resource, and*

- *vi. The mural will not cover more than 40% of the surface area of a building or structure façade, and*
- *vii. The applicant has demonstrated that the proposed surface treatment is appropriate for historic brick or stone masonry materials. Waterproof coatings shall be prohibited.*

Additionally, the applicants agree that the murals proposed in the three following applications will incorporate images of local people, places, or products that have historic significance to Keene and/or the surrounding region. The mural will be designed by a professional mural artist or sign painter, and will be painted with help from volunteers. Also, as noted in the project backgrounds, the brick surfaces of all proposed murals will be cleaned using a mild soap and scrub brush, and rinsed with water at garden hose pressure.

Chair Weber introduced application COA-2019-02 and Ms. Brunner recommended accepting the application as complete. Mr. Weglinski moved to accept application COA-2019-02 as complete, which Councilor Powers seconded and the Historic District Commission carried unanimously.

Mr. Poanessa said this was a wall they hoped for but it was in the process of changing ownership. The new owner was amenable to a mural and this wall is preferred to the other wall approved previously by the HDC. It is a ground level, north-facing wall that fits nicely along the footprint of the walking tour.

Chair Weber requested staff comments. Ms. Brunner recalled the relevant HDC regulations (above) and discussed how this application addresses those standards. The applicant proposes to paint a mural in the style of a classic painted building advertisement on the north side of the building. The proposed mural would be approximately 9' tall and 30' long (270 sf, or about 4% of the surface area of the 7,000 sf façade). This location is visible from Church Street and Main Street, but is not on the primary elevation of the building. The applicant proposes to use 100% acrylic paint; no waterproof coatings are proposed. Mr. Poanessa said this mural is being designed by one of the best mural artists in the country.

With no further comments, Chair Weber closed the public hearing.

Mr. Weglinski made the following motion, which Councilor Powers seconded. On a vote of 7-0, the Historic District Commission approved COA-2019-02 for installation of a painted mural on the north façade of the building located at 42-46 Main Street (TMP# 575-055-000-000-000) as presented in the application submitted to the Community Development Department on January 28, 2019 by Magical History Tour on behalf of owner, Tridee Associates Inc. with the following conditions: 1. Staff review of mural design prior to painting to confirm conformance with Section XV.B.2.b.5 of the HDC Regulations.

- c. **COA-2019-03 – 17-19 Federal Street – Walldogs Mural – Applicant Magical History Tour, on behalf of owner Parish of Saint James Church, proposes to paint a mural not to exceed 152 sf in size on the south façade of the building known as the Jonathan Daniels Building. The property is ranked as a Contributing Resource and is located at 17-19 Federal Street (TMP# 575-028-000-000-000) in the Central Business District.**

Ms. Brunner recommended accepting this application as complete. Councilor Powers moved to accept application COA-2019-03 as complete, which Mr. Weglinski seconded and the Historic District Commission carried unanimously.

Mr. Poanessa said this is a south-facing wall so it will have muted tones to age well with sun exposure. This mural will replace the one currently on the back of the Comic Boom building. It makes sense to have the Jonathan Daniels mural on his namesake building. This wall will replace another the HDC already approved because this is a better wall that is visible widely though the center of the City.

Chair Weber requested staff comments. Ms. Brunner recalled the relevant regulations (above) and discussed how the application addresses those standards. The applicant proposes to paint a mural in the style of a classic painted building advertisement on the south side, or rear, of the building. The proposed mural would be in either a landscape or portrait orientation, depending on the preference of the mural designer, and would be no more than 152 sf, or about 4% of the surface area of the 3,600 sf façade. This location is visible from Federal Street and the Gilbo Avenue parking lot. The applicant proposes to use 100% acrylic paint; no waterproof coatings are proposed. The chosen theme for the mural is Jonathan Daniels; however the mural design has yet to be finalized.

Chair Weber recognized Elsa Worth, Director of St. James Church, who spoke in favor of the mural. The location is visible and relevant for the church.

With no further comments, Chair Weber closed the public hearing.

Ms. Proctor made the following motion, which Councilor Powers seconded. On a vote of 7-0, the Historic District Commission approved COA-2019-03 for installation of a painted mural on the south façade of the building located at 17-19 Federal Street (TMP# 575-028-000-000-000) as presented in the application submitted to the Community Development Department on January 28, 2019 by Magical History Tour on behalf of owner, Parish of Saint James Church with the following conditions: 1. Staff review of mural design prior to painting to confirm conformance with Section XV.B.2.b.5 of the HDC Regulations.

- d. **COA-2019-04 – 19-25 West Street – Walldogs Mural – Applicant Magical History Tour, on behalf of owner Whetstone Ltd., proposes to paint a mural not to exceed 330 sf in size on the west façade of the building known as the Howe Block. The property is ranked as a**

**Contributing Resource and is located at 19-25 West Street (TMP# 575-050-000-000-000) in the Central Business District.**

Ms. Brunner recommended accepting this application as complete. Councilor Powers moved to accept application COA-2019-04 as complete, which Mr. Porchitz seconded and the Historic District Commission carried unanimously.

Mr. Poanessa said this wall was a preferred location initially but they had difficulty contacting the building owner. The owner finally agreed to a mural, so this west-facing wall is visible location that is also protected well from the sun by the building adjacent. Ms. Rogers added there is mismatched brick on this wall that the mural will mask. This will replace the mural on the Court House approved already by the HDC.

Ms. Kimball Frank asked which three applications were withdrawn. Mr. Poanessa replied the approved mural locations on the Miller Brothers Building (in the alley facing The Colonial Theatre), the Comic Boom building at 22 West Street, and the Court House at 12 Court Street are all being withdrawn. There will still be a mural on the apothecary building (in the alley facing Lamson Street).

Chair Weber asked if there used to be window openings on the wall. Ms. Kimball Frank said the building used to connect to an adjacent grocery store.

Chair Weber asked for staff comments. Ms. Brunner recalled the relevant regulations (above) and discussed how the application meets those standards. The applicant proposes to paint a mural in the style of a classic painted building advertisement on the west side of the building. The proposed mural would be approximately 10' tall and 33' wide (330 sf, or about 19% of the surface area of the 1,750 sf façade). This location is visible from West Street looking east, but is not on the primary elevation of the building. The applicant proposes to use 100% acrylic paint; no waterproof coatings are proposed. The theme for this mural is land conservation.

With no comments, Chair Weber closed the public hearing. He said he hopes the building owner will do something about the flashing so it does not distract from the mural. Mr. Poanessa agreed.

Mr. Weglinski made the following motion, which Councilor Powers seconded. On a vote of 7-0, the Historic District Commission approved COA-2019-04 for installation of a painted mural on the west façade of the building located at 19-25 West Street (TMP# 575-050-000-000-000) as presented in the application submitted to the Community Development Department on January 28, 2019 by Magical History Tour on behalf of owner, Whetstone Ltd. with the following conditions: 1. Staff review of mural design prior to painting to confirm conformance with Section XV.B.2.b.5 of the HDC Regulations.

**5) Advice and Comment**

Ms. Brunner explained that Mr. Poanessa and Ms. Rogers were present to seek advice and comment on how to handle proposed minor modifications to murals approved already by the HDC – by the Commission or administratively. There is not clear direction in the regulations. Mr. Poanessa said there could be further minor modifications to other murals as the artists submit their designs and they hope to know what Commission approval they will need for that. Ms. Rogers explained the two proposed modifications for discussion.

**a. Walldogs Mural at 16 Church Street – Peter Poanessa and Judy Rogers of Magical History Tour seek input from the HDC on proposed modifications to COA-2018-10 for the previously approved mural on the building historically known as the Cracker Factory.**

Ms. Rogers said the designer working on this mural suggested that it should be larger, which Ms. Benik also suggested. This would change the shape and extend below the original footprint. It is still a small mural in the context of the wall but is better balanced on the wall.

**b. Walldogs Mural at 3 Washington Street - Peter Poanessa and Judy Rogers of Magical History Tour seek input from the HDC on proposed modifications to COA-2018-06 for the previously approved mural on City Hall.**

Ms. Rogers said they seek to increase the original footprint slightly to best balance the windows, extending the mural toward Main Street. Ms. Rogers echoed the question if these minor modifications can be approved administratively.

Ms. Brunner noted the various fees applicants are subject to and staff time for every major project application that comes before the Commission. If these proposed changes are treated as a minor project and approved administratively, the opportunity for Commission and public comment is eliminated. There are threshold criteria developed by the HDC that typically delineate what projects go to the Commission or staff; however, with new regulations for murals, it is not yet clear what the process is for modifications to murals approved already.

Commission members agreed that these minor modifications can be approved administratively. Ms. Brunner recalled that in any case staff feels the mural does not meet criteria, they would advise the applicants to go before the Commission.

**6) Staff Updates**

**a. Resource Ranking Update**

The Historic District properties and their rankings are listed in the meeting packet as well as a list of all buildings in the Historic District not yet ranked. The meeting packet also included definitions for the different rankings. Ms. Brunner spoke with the Chair of the Heritage Commission and they will see if someone from their Commission is interested

in helping with a Resource Ranking Subcommittee. She asked HDC members to consider who might want to serve on the subcommittee. This discussion will continue at the March meeting.

**b. Grace Methodist Church 79-E Application – Letter from HDC**

Mr. Luse is also applying for the City's NH RSA 79-E tax credits. Chair Weber signed a letter in support of that application stating that this is a historic building; the letter is included in the meeting packet.

**c. 2018 List of Administrative Approvals**

Ms. Brunner said staff is supposed to provide regular updates to the Commission on minor projects that have been approved administratively. She provided a list of the six projects approved by staff in 2018 in the meeting packet, all of which met the threshold criteria for minor projects. Non-contributing and incompatible resources can be designated as minor projects by the Community Development Director, which happened once in 2018.

**7) Next Meeting – March 20, 2019**

Ms. Brunner noted that Sam Temple, the owner of Firedog Breads in the Historic District, is interested in serving on the Commission and will submit a letter of interest to the Mayor.





**8) Adjournment**

Hearing no further business, Chair Weber adjourned the meeting at 6:17 PM.

Respectfully submitted by,  
Katryna Kibler, Minute Taker

Reviewed and edited by Mari Brunner, Acting Planner

# 2020 Building Better Together (UDO)

	 <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 March 6, 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 detract from the historic 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.
- 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.
- 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.

## **ATTACHMENTS:**

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

## HISTORIC DISTRICT COMMISSION REGULATIONS (DRAFT)

### I. Applicability and Exemptions:

- A. General Applicability:** 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 defined as the span of time during which the district attained its significance. For the Downtown Keene Historic District, the period of significance starts in 1785, the year the oldest extant building was constructed, and ends 50 years from present time, as events and buildings within the district continue to achieve importance. The fifty-year benchmark coincides with that recognized by the National Park Service in its preservation programs.
- B. Activities Requiring a Certificate of Appropriateness:** The activities listed below shall require a Certificate of Appropriateness whether or not such activity requires the issuance of a permit. These requirements shall only apply to buildings or structures built within the Period of Significance.
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.
- C. Exemptions:** The activities listed below shall not require a Certificate of Appropriateness (COA) from the Historic District Commission. A determination that a proposed project does not require a COA under this section shall be made by the Community Development Director or their designee and such determination shall be provided to the applicant within five (5) business days, except for the activities listed in sub-section 1 below, in which case the determination shall be provided within two (2) business days. It shall be the sole responsibility of the applicant to demonstrate that the proposed work meets the requirements of one or more of the exceptions listed in this section. An application for a classification under this section must be made in writing and must be accompanied by supporting information which may include photographs, drawings or plans that provide adequate detail to allow the Community Development Director or their designee to make an informed determination.

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 shall not require the issuance of a Certificate of Appropriateness.
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.

## II. Project Classification:

An applicant proposing any activity set forth in Section I.B 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. The Community Development Director or their designee shall evaluate the proposal and classify the project according to these regulations. Projects shall be classified as follows within 5 business days of the date of the Pre-application conference:

- A. **Exempt.** Any project which qualifies for an exemption as defined in Section I. C of these Regulations shall not require the issuance of a Certificate of Appropriateness.
- B. **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 1.
- C. **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 1.

Primary/ Contributing Resources	Non-Contributing/ Incompatible Resources
<p><b>MINOR PROJECTS:</b></p> <p>Extensions to the expiration date of Certificates of Appropriateness where there is no change in project scope or specifications.</p> <p>Replacement of less than 25% of existing exterior siding and/or trim when there is no change in general appearance.</p> <p>Repair or repointing of masonry when there is no change in materials or general appearance.</p> <p>Installation of fences.</p> <p>Installation of HVAC and other mechanical equipment.</p> <p>Removal of non-historic elements that are determined to conceal character-defining features.</p> <p>Replacement of two or less windows or doors during the course of one calendar year (beginning with the date of approval).</p>	<p><b>MINOR PROJECTS:</b></p> <p>Any activities classified as “Minor” for Primary/Contributing Resources shall also be considered “Minor” for Non-Contributing/Incompatible Resources.</p> <p>Removal, relocation or demolition of an existing building or structure.</p> <p>Installation of prefabricated accessory buildings or structures with a floor area that does not exceed 125 square feet.</p> <p>Replacement of existing windows and doors or the installation of new windows or doors in former or existing openings .</p> <p>Replacement of exterior masonry walls</p> <p>Changes to exterior materials other than those classified as minor projects</p> <p>Chemical or physical treatment to the exterior of a building or structure</p> <p>Installation of satellite dishes or telecommunications facilities.</p> <p>Installation of dumpster, dumpster enclosure or dumpster pad.</p> <p>Changes to grading</p> <p>Installation of renewable energy systems.</p>
<p><b>MAJOR PROJECTS:</b></p> <p>Any activities classified as “Major” for Non-Contributing/ Incompatible Resources shall also be considered “Major” for Primary/Contributing Resources.</p> <p>Removal, relocation or demolition of an existing building or structure.</p> <p>Replacement of exterior masonry walls.</p> <p>Changes to exterior materials other than those classified as minor projects.</p> <p>Chemical or physical treatment to the exterior of a building or structure.</p> <p>Installation of prefabricated accessory buildings or structures.</p> <p>Changes to grading.</p> <p>Installation of dumpster, dumpster enclosure or dumpster pad.</p> <p>Installation of renewable energy systems.</p> <p>Replacement of more than two windows or doors during the course of one calendar year.</p> <p>Replacement of more than two windows or doors during the course of one calendar year.</p> <p>Installation of satellite dishes or telecommunications facilities.</p>	<p><b>MAJOR PROJECTS:</b></p> <p>Renovation, rehabilitation or restoration of a building or structure.</p> <p>Additions to a building or structure.</p> <p>Alterations to storefronts</p> <p>Creation of new openings for windows or doors.</p> <p>Painting of a previously unpainted brick or stone masonry building or structure</p> <p>Installation of decks, patios or pools</p> <p>Installation of art attached to a building or structure</p> <p>Removal of trees in excess of 15 inches in diameter at a trunk height of four (4) feet above grade</p> <p>Installation of prefabricated accessory buildings or structures with a floor area which exceeds 125 square feet.</p>

**Table 1. Minor and Major Project Review Thresholds**

Projects that meet the threshold criteria for a major project may be considered to be minor projects if proposed on properties designated as Non-Contributing or Incompatible and the Community Development Director determines that such a project does not warrant review and approval by the Historic District Commission. If found in compliance with the City’s codes and these regulations, these projects shall be administratively reviewed and approved by the Community Development Director or their designee. The Community Development Director or their designee shall keep the Board informed of administratively approved projects every six months.

### III. 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 the HDC Regulations, and Historic District Ordinance.
- 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 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 Historic District Commission 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.

### IV. Major Project Review and Action by HDC

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

#### **V. Duration of a Certificate of Appropriateness:**

A 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 one year from the date the COA is issued.

- A. Extensions.** Extensions to the duration of a Certificate of Appropriateness may be granted by the Community Development Director. No extension shall be granted for a period greater than one year from the current expiration date. No more than two consecutive extensions shall be granted. The Community Development Director may refer the request for extension of the duration of a Certificate of Appropriateness to the Historic District Commission if in their judgment the extension is not consistent with all applicable standards and regulations.
- B. Modifications to Approved Projects.** 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 Community Development Director if it does not meet the threshold criteria. Modifications to approved Minor

Projects whose work has not been completed shall require approval of the Community Development Director or their designee. Any new changes to work that has been completed shall be treated as a new project and require a separate application.

#### **VI. 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 and in the Historic District Ordinance 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 Historic District Ordinance, and the public good.

The 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.

#### **VII. Appeals:**

- A. Any persons aggrieved by a decision of the 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

#### **VIII. 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.

## IX. Severability:

If any of the provisions set forth in these regulations are held to be invalid, for any reason, by a Court of Law, such holding shall not invalidate other provisions contained herein.

## X. 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.

## XI. 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 the HDC Regulations set forth in this document 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).

## XII. Design Standards

### A. Streetscape and Building Site

1. **Trees.** Many sites within the Downtown Historic District are favored with substantial landscaping, shade trees, ground covers, hedges and other border plantings. Canopies of mature trees line most streets and provide one of the most appreciated characteristics of Keene’s historic district. Large trees, such as oak and elm trees, provide shade that protects roofing materials and promotes energy efficiency. Trees serve as windbreakers, visual screens, and add beauty. The preservation of Keene’s mature tree canopy is of special concern to the Historic District Commission.

#### a) Design Standards

- 1) Trees that contribute to the character of the historic district and 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 must be protected. 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 which is at least three (3) inches in diameter, as measured 24 inches from the ground after planting.

#### b) Projects that do not require a COA

- 1) Pruning of trees or clearing of overgrown bushes, vines, saplings and similar vegetation for normal maintenance purposes.
- 2) Planting new trees, shrubs, ground cover and other plants.
- 3) Planting hedges or flower, vegetable and rock gardens.
- 4) Installing flower pots, planters, window boxes, birdbaths, birdhouses and similarly scaled projects.
- 5) Landscaping or site work that does not alter the grade or require changes to the topography.
- 6) Removal of dead or diseased trees in accordance with Section I.C.7.



**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. Front and side yards are often delineated with low granite walls. Sometimes, the front yard was set off from the sidewalk with a low cast iron or wood picket fence with split granite support posts. Few of these fences survive today, although the posts often remain. Some of the more architecturally sophisticated houses have dressed granite posts at the entrance to the driveway and walkways. Granite mounting blocks survive on a few sites.

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 four 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.

b) Projects that do not require COA

- 1) Repairs to existing fences, walls or other site features that do not involve a change in the design, dimensions or materials.
- 2) Installing benches and other outdoor furniture, sculptures and other outdoor artwork, trellises and surface patios that do not disturb any historic site features.

**3. Walkways, Driveways, Alleys, and Parking Areas.** Within the areas of the 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, every effort shall be made to locate parking behind the building(s). 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.

b) Projects that do not require COA

- 1) Replacing, repairing or resurfacing a driveway or walkway as long as such work does not result in a change in material or expansion of the existing.

**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) New mechanical supply lines, pipes and ductwork shall be placed in inconspicuous locations and/or concealed with architectural elements, such as downspouts.
- 4) 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 six (6) feet in height or a height equal to the height of the waste container if the container height is greater than six (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.
- 5) Walls on front or street-facing facades shall not be penetrated for vent openings larger than seventy (70) square inches. Vent caps shall not be larger than two-hundred (200) square inches.
- 6) 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.

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 sixteen (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 HDC 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) Projects that do not require COA

- 1) Installations in locations not visible from a public street or public place.

**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 for use in the Historic District 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 – commercial blocks, civic and religious buildings, mills and dwellings—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. **Wood (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. When trim is removed, the result is often an anonymous box whose proportions overwhelm its surroundings.
  - 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 other than vinyl or aluminum, 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. (The Historic District Commission can provide direction on paint schemes appropriate to particular architectural styles or building types.)
    - 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:
  - the condition of the existing slate
  - the percentage of slate that is beyond repair
  - 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
  - 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 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.
- 9) Storm windows should be designed to:
  - have a meeting rail that aligns with that of the primary window;
  - have a finish color that is close to the color of the window trim or primary sash and is not unfinished aluminum; and
  - match the shape of the primary sash, including arched upper sashes. (For arched windows, an interior storm window may be the best solution.)

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 generally 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 ten (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 apply to any proposed addition to a building or structure built within the Period of Significance. These standards 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, and should be considered only after it has been determined that sensitive interior alterations cannot meet the need for increased space. 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) Materials commonly referred to as "vinyl siding" are inappropriate contemporary materials and are therefore 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) Materials commonly referred to as “vinyl siding” are inappropriate contemporary materials and are therefore 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.
  - 2) Additions to buildings or structures constructed outside the Period of Significance.
  - 3) Construction of new, free-standing structures.

### XIII. Definitions:

**Alteration** – any repair, reconstruction, restoration, replacement, rehabilitation, alteration, demolition, addition, or new construction proposed for the exterior of a building or its site. The work may involve changes in materials, dimensions, design, configuration, texture, color, or visual appearance.

**Architectural Feature** – the architectural style, design, detail or general arrangement of outer surfaces of a building or structure that, if altered or removed, would affect its appearance and character. Examples of architectural features include, but are not limited to, building materials, windows, doors, cornices, roofs, porticos, storefronts, and painted signs.

**Architectural Trim** – exterior elements on a building or structure, including but not limited to cornices, brackets, window lintels and sills, oriels or bay windows, balconies, grilles, grates, lamp brackets, scrapers and handrails.

**Building** – a roofed structure for the shelter, support or enclosure of persons, animals or moveable property. As applied to historic buildings, the term may apply to the portion of a structure that historically constituted a separate building.

**Certificate of Appropriateness (COA)** – written authorization from the Historic District Commission to the building owner or project applicant that allows the owner/applicant to conduct any of the regulated activities specified in these regulations.

**Character-defining feature** – the form, material and detail of those architectural features that are important in defining a building’s historic character and whose retention will preserve that character. Character-defining features include, but are not limited to, facades, roofs, porches, windows, doors, trim, massing, shape, orientation and landscape features, such as fences, walls, posts and walkways.

**Commercial area** – the area within the historic district in which most of the buildings were constructed for commercial uses.

**Compatible** – possessing characteristics that allow for a harmonious relationship. Compatibility does not require copying or matching of attributes, and may involve the juxtaposition of dissimilar things that nevertheless create an agreeable effect.

**Contributing resource** – a building, structure or site within the Downtown Keene Historic District that was present during the Period of Significance and that contributes to the district's sense of time and place and historical development.

**Demolition** – the razing, destruction, removal, or relocation, entirely or in significant part and including its facade, of a building, structure or other resource.

**Economic Hardship** – quantifiable and verifiable expenditures or fiscal loss that is unreasonable to bear under the circumstances. Demonstration of an economic hardship shall not be based on or include any of the following circumstances:

- Willful or negligent acts by the owner.
- Purchase of the property for substantially more than market value.
- Failure to perform normal maintenance and repairs.
- Failure to diligently solicit and retain tenants.
- Failure to provide normal tenant improvements.

**Elevation** – (1) a wall of a building; (2) an architectural drawing showing the vertical elements, generally exterior, of a building.

**Envelope** – the exterior surfaces of a building, including walls, roof, foundation and any projecting elements.

**Façade** – the front of a building or structure or any of its sides that faces a public right-of-way.

**Fenestration** – the arrangement of windows and other exterior openings on a building.

**Historic building** – A building or structure within the Downtown Keene Historic District that is categorized Primary or Contributing.

**Incompatible resource** – a building, structure or site within the Downtown Keene Historic District that has no historic or architectural integrity and whose setback, massing, scale, height, materials and/or fenestration detract from the character of the district.

**Industrial area** - the area within the historic district in which most of the buildings were constructed for industrial uses.

**In kind replacement** - replacement of a feature with new material that identically matches the original with respect to design, size, configuration, color, texture and other visual qualities.

**Main block** – the front, primary section of a residential building, when there is an attached ell, wing, shed or barn.

**Maintenance** – see Repair.

**Masonry** – Work constructed by a mason using stone, brick, concrete block, cast stone, tile, or similar materials.

**Mural** – A painting or other work of art executed directly on a wall. Examples of existing murals in Keene include the “Parrish Shoes” mural on the Elliot Block building located at 1 Main Street and the “Coca-Cola” mural on the Bullard and Shedd Block building located at 37 Central Square (see images below).



**Muntin** – a thin bar, usually wood, used to hold panes of glass in place.

**Non-Contributing Resource** - a building, structure or site within the Downtown Keene Historic District that has lost its architectural, historical or cultural integrity due to major alterations or other changes and thus has lost the ability to contribute to the character of the historic district. A Non-Contributing resource may become a Primary or Contributing if its integrity is restored.

**Period of Significance** – the span of time during which the district attained its significance. For the Downtown Keene Historic District, the period of significance starts in 1785, the year the oldest extant building was constructed, and ends 50 years from present time, as events and buildings within the district continue to achieve importance. The fifty-year benchmark coincides with that recognized by the National Park Service in its preservation programs.

**Primary Elevation** – the front and/or street-facing walls or a building.

**Primary Resource** - a building, structure or site within the Downtown Keene Historic District that was present during the Period of Significance and that contributes to the district's sense of time and place and historical development in a particularly distinctive manner.

**Property** – area of land containing a single historic resource or a group of resources.

**Public Right-of-Way** – any street, alley, park or other location on the ground that is open to and accessible by the public.

**Reconstruction** – the act of recreating a property that has been destroyed, through documentary research and the use of new materials.

**Rehabilitation** – the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving the character-defining features that are significant to its architectural, historical and cultural values.

**Relocation** – the act of removing a building, structure or other resource from its existing foundation or location to another foundation or location, including on the same site. For purposes of this ordinance, applications for relocation shall be subject to the same standards as demolition.

**Removal** - the act of destroying or relocating a building, structure or other resource. For purposes of this ordinance, applications for removal shall be subject to the same standards as demolition.

**Renovation** – alterations and improvements by repair which enhances or modernizes the building with the basic character of the building preserved.

**Re-pointing** – repairing mortar by raking and refilling the outer face of mortar joints.

**Repair** – any work which will involve no change in materials, dimensions, design, configuration, color, texture or visual appearance. In terms of masonry repair, this may involve in-kind spot replacement of masonry units that are damaged or broken.

**Residential area** – the areas within the historic district that are characterized by residential buildings, including those that have since been converted to commercial use.

**Residential building or site** – A building or site originally designed and used for residential purposes, including those later converted to commercial use.

**Resource** – any building, structure, site or object that is part of or constitutes a historic property.

**Restoration** – the act or process of accurately recovering the form, features and character of a property and its setting as it appeared at a particular period of time, by means of removing features from other periods and reconstruction of missing features from the restoration period.

**Safety Hardship** – see structural instability.

**Shall** – used as a verb to indicate those actions which are specifically required to preserve and protect significant architectural elements.

**Should** – used as a verb to indicate a recommended course of action.

**Structure** – anything built or erected with a fixed location on or in the ground, or attached to something having location on or in the ground, including, but not limited, to: buildings, fences, walls, terraces, solar photovoltaic systems (ground or roof-mounted), walk ways, driveways, gazebos, etc. .

**Structural Instability** – the building or structure has been determined by the Code Enforcement Officer to be structurally unsound or deteriorated, such that demolition is required for public health, safety or welfare; and an architect or professional engineer registered in the State of New Hampshire has prepared a written technical report demonstrating that the building or structure presents such a risk.

**Tuck pointing** – repairing mortar by removing crumbling and deteriorated mortar and inserting, or “tucking,” new mortar into the cleaned joints.

**Window sash** – the framework into which panes are set. For windows that open, this is the moveable portion.