



## **Historic District Commission Agenda - AMENDED**

Wednesday, March 17, 2021

4:30 PM

Online Meeting (Zoom)\*

To access the meeting, visit [www.zoom.us/join](https://www.zoom.us/join) or call (888) 475-4499 (toll-free) and enter the Meeting ID: **824 1448 9213**. If you encounter any issues accessing this meeting, please call (603) 209-4697 during the meeting. More info on how to access this meeting is available on the Historic District Commission webpage at [www.ci.keene.nh.us/historic-district-commission](http://www.ci.keene.nh.us/historic-district-commission).

1. Call to Order and Roll Call
2. Minutes of December 16, 2020
3. Public Hearings:

**Amendments to the Downtown Historic District Regulations** – The Historic District Commission proposes to amend its regulations by incorporating them into Article 21 and Section 25.15 of the proposed City of Keene Land Development Code (see Ordinance O-2020-10A). Proposed amendments to these regulations include, but are not limited to, exempting buildings that are less than 50 years old from the regulations, amending the thresholds for major and minor project classification, and establishing standards related to artwork/murals on buildings and structures.

**Historic District Commission Fee Schedule** – The City of Keene Community Development Department proposes to amend the Historic District Commission Legal Notice Fee, which was last revised in June of 2017, from \$25 to \$62 to account for additional costs related to noticing of remote meetings due to the COVID-2019 state of Emergency and 2) to reflect increases in the per-line cost of legal advertisements.

4. New Business
5. Next Meeting – April 21, 2021
6. Adjourn

*\*In Emergency Order #12, issued by the Governor pursuant to Executive Order #2020-04, which declared a COVID-19 State of Emergency, the requirement that a quorum of a public body be physically present at the meeting location under RSA 91-A:2, III(b), and the requirement that each part of a meeting of a public body be audible or otherwise discernible to the public at the meeting location under RSA 91-A:2, III(c), have been waived. Public participation may be provided through telephonic and other electronic means.*

1 **City of Keene**  
2 **New Hampshire**

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5 **HISTORIC DISTRICT COMMISSION**  
6 **MEETING MINUTES**  
7

8 **Wednesday, December 16, 2020**

**4:30 PM**

**Remote Meeting via Zoom**

**Members Present:**

Andrew Weglinski, Chair  
Russ Fleming, Vice Chair  
Councilor Catherine Workman  
Hans Porschitz  
Hope Benik

**Staff Present:**

Mari Brunner, Planner  
Megan Fortson, Planning Technician

**Members Not Present:**

Sam Temple  
Joslin Kimball Frank, Alternate  
Hanspeter Weber, Alternate  
David Bergeron, Alternate  
Tia Hockett, Alternate  
Peter Poanessa, Alternate

9 **1) Call to Order & Roll Call**

10  
11 Chair Weglinski read the Executive Order authorizing a remote meeting – Emergency Order #12, issued  
12 by the Governor of the State of New Hampshire pursuant to Executive Order #2020-04 – and he then  
13 called the meeting to order at 4:32 PM. Pursuant to this order, Ms. Brunner called roll and members  
14 present stated their locations and who was in the room with them.  
15

16 **2) Minutes of the October 21, 2020 Meeting**

17  
18 Vice Chair Fleming moved to approve the minutes of October 21, 2020, which Ms. Benik seconded, and  
19 the motion passed with a unanimous roll call vote in favor.  
20

21 **3) Public Hearing**

- 22 **a. COA-2019-07, Modification #1 – 89 Main St. – Alterations to Colonial Theatre**  
23 **Addition – Applicant Weller & Michal Architects, on behalf of owner The Colonial**  
24 **Theatre Group, proposes to reduce the height of the Colonial Theatre addition from**  
25 **75-ft to 69-ft 10-in, alter the layout and size of the exterior metal panel siding, and**  
26 **change the screening for rooftop mechanical equipment from a full enclosure to**

27 **partial screening with parapet walls. The property is located at 89 Main St. (TMP#**  
28 **575-008-000) in the Central Business District and is ranked as a Primary Resource.**  
29

30 The Applicant has requested an exemption from providing a site plan as no changes to the site were  
31 proposed at this time. Ms. Brunner recommended that the Commission grant the requested exemption  
32 and find this application to be complete. Vice Chair Fleming moved to grant the exemption and accept  
33 Application COA-2019-07, Modification #1, as complete, which Mr. Porschitz seconded, and the  
34 motion passed with a unanimous roll call vote in favor.  
35

36 Architect Charles Michal, on behalf of the Colonial Theater Group, presented on the application. He  
37 noted that this is a modification to a project that was previously approved by the HDC in 2019. Mr.  
38 Michal showed plans for the site and indicated where the building would increase at the rear of the  
39 property – approximately 150' west of Main Street – to accommodate an updated stage system. As a  
40 result of the addition, HVAC equipment that is ground-mounted currently is being relocated to the roof.  
41 He used images to show the difference between what was approved in 2019 and what is currently  
42 proposed. The building height was lowered from what was approved previously, bringing the bulk of the  
43 building down, while trying to maintain the aesthetic features that were approved and are important to  
44 The Colonial. Mr. Michal addressed the modification to the exterior materials specifically, saying that  
45 the color scheme remains the same with varying degrees of color, the size of metal skin remains the  
46 same; he recalled that the color and metal scheme were chosen to avoid the building appearing  
47 monolithic, which was described in more detail at the 2019 meeting. The only change is that the  
48 building profile would be lower now and so the skyline profile is more modest than in the prior  
49 approval.  
50

51 Mr. Michal continued showing the view of the building from the Commercial Street parking lot, where  
52 he said the majority of the change was visible. In the original design, in order to conceal the large  
53 rooftop mechanical equipment, this Commission approved a new third story block at the back of the  
54 building. The new proposal is to use parapet walls to conceal the air handling units. Mr. Michal  
55 continued, however, that the duct work must enter the stage area at particular heights that he showed, to  
56 avoid the stage house machinery and pass to the auditorium. This duct work will be visible; however, it  
57 will be painted to match the color of the building. Mr. Michal concluded by showing the original plans  
58 that were approved.  
59

60 Having not been a member of the Commission in 2019, Vice Chair Fleming asked for a brief  
61 explanation of the two existing Eversource transformers that sit in the parking lot and power the theater  
62 and adjacent properties, which Mr. Michal provided. Vice Chair Fleming said he never noticed them and  
63 Mr. Michal said that The Colonial plans to approach Eversource to paint those transformers to match the  
64 building.  
65

66 Mr. Porschitz referred to views Mr. Michal provided of the north and south elevations and asked if they  
67 are real, noting that the ductwork appeared much more pronounced on the north view. He expected to  
68 see from the south the ductwork on the north side as well. Mr. Michal said there is a difference between  
69 the ductwork on the north and south sides due to northern ductwork moving further west to enter the

70 stage house at the appropriate location. What is unseen in the flat southern elevation drawing is the  
71 norther ductwork that is behind and beyond what is illustrated, but no one would ever see the building  
72 from the vantage of these flat drawings. He said the northern ductwork would not be visible from  
73 Emerald Street.

74  
75 Chair Weglinski understood that the southern ductwork was new but asked whether the northern  
76 ductwork was new as well. Mr. Michal said that all ductwork is new west of the stage. Chair Weglinski  
77 continued that the view of the theater is prominent from Gilbo Avenue and asked if there was thought to  
78 not enclose but rather screen from certain vantage points. Mr. Michal referenced glazed windows on that  
79 second floor façade, above which there is a wall that is almost 8' tall in an effort to screen the equipment,  
80 because the actual roofline is not at the top of the brick to the west but rather south at least 4' above the  
81 roof. Mr. Michal said everything he just cited was in an effort to conceal the equipment and it was  
82 decided not prudent to increase the parapet height to the line at which it would completely conceal the  
83 ductwork.

84  
85 Mr. Porschitz noted that in the design approved originally it appeared that the outside metal panels  
86 would be flat, while the modified renderings show some corrugations. He asked if it could be assumed  
87 that there would be a mix of corrugated and flat metal panels. Mr. Michal said yes, that scheme was  
88 chosen deliberately to add texture and color on each façade to a small degree in an effort to break-up  
89 massing.

90  
91 The Chairman said that on his computer screen the renderings appeared blue like the Kingsbury factory  
92 and asked if that was the intent. Mr. Michal said yes and recalled the original approval to use the color  
93 "Tahoe Blue," with some grey incorporated. The Community Development Department has a physical  
94 sample of the paint color.

95  
96 Ms. Brunner stated that Per Section IX.C of the HDC regulations, "Modifications of Approved  
97 Projects," this work is classified as a "Major Project" for review by the HDC. As such, Ms. Brunner  
98 reviewed the HDC standards relevant to this application.

99  
100 *5. Utility, Service and Mechanical Equipment b) Design Standards 1) On commercial and industrial*  
101 *buildings, mechanical equipment, such as compressor units, shall be set back on the roof of the building,*  
102 *so as to be minimally visible, or ground-mounted toward the rear of the building, with appropriate*  
103 *screening or landscaping to minimize visibility. 2) Every effort shall be made to position heating and*  
104 *air-conditioning equipment, fire alarm panels, telecommunications equipment, satellite dishes, and free-*  
105 *standing antennas and other equipment as low to the ground as possible, and where they are not readily*  
106 *visible from the public right-of-way. 3) New mechanical supply lines, pipes and ductwork shall be*  
107 *placed in inconspicuous locations and/or concealed with architectural elements, such as downspouts.*  
108

109 Ms. Brunner recalled that in 2019, the Applicant received approval from the HDC to place all  
110 mechanical equipment and ductwork within an enclosure that would completely screen the equipment  
111 from view. Due to budget constraints, the Applicant proposed in this modification to install the  
112 mechanical equipment and ductwork on the roof of the addition, rather than place it inside an enclosure.

113 The equipment and ductwork would be partially screened by parapet walls on the south wall (4-ft above  
114 roof surface), west wall (4-ft above roof surface), and north wall (9-ft above roof surface). The portion  
115 of the ductwork and equipment that would be visible would be painted to match the siding of the new  
116 addition to minimize visibility. As the building would be built up to the property line, there is no room  
117 to install this equipment on the ground. In addition, although the ductwork would be partially exposed to  
118 view, it would be less exposed than it is under current (pre-construction) conditions.  
119

120 *1. Additions b) Design Standards -- Primary and Contributing resources 3) Additions shall be*  
121 *compatible in size and scale with the main building. 4) Additions that alter the front of the building, or*  
122 *that substantially increase the building's height above adjacent or nearby rooflines, shall not be*  
123 *allowed, unless it can be documented that the addition is historically appropriate for the building.*  
124

125 Ms. Brunner continued that in 2019, the Applicant received approval to construct a 2,800-sf addition to  
126 the rear of the existing building that would be about 75 feet above grade. The Applicant received a  
127 Special Exception from Section 102-791 ("Basic Zone Dimensional Requirements) of the Zoning  
128 Ordinance to increase the maximum building height from 55 feet to 75 feet. In addition, the Applicant  
129 received a waiver from the HDC to permit an addition that would increase the building's height above  
130 adjacent or nearby rooflines. With this modification, the Applicant requested to reduce the height of the  
131 addition to be 69 feet and 10 inches above grade, or 12 feet taller than the existing structure. Since this  
132 request would reduce the height of the addition, it would be slightly more in keeping with the size and  
133 scale of the main building. As such, Ms. Brunner thought this standard appeared to be met.  
134

135 *7) Materials used for siding on additions shall be compatible with existing materials on the building and*  
136 *shall be those that are common in the district. Acceptable materials include brick, stone, terra cotta,*  
137 *wood, metal and cement clapboard.*  
138

139 Ms. Brunner recalled that the HDC approved previously two different siding materials for the new  
140 addition, including an insulated metal wall panel system (prefinished steel and/or aluminum) painted in  
141 shades of blue and gray and a brick veneer. No changes were proposed to the brick veneer product in  
142 this modification; however, the Applicant did propose to modify the layout/arrangement of the metal  
143 panels and increase their size relative to the original proposal that was approved by the HDC. In the  
144 project narrative, the Applicant stated that "The smaller discrete 'rain-screen' panel sizes planned and  
145 illustrated in COA-2019-07 have proved to be unachievable within the project budget, and the new  
146 layout uses both smooth-skinned and more three-dimensional textured skin panels to achieve project  
147 goals."  
148

149 With no comments, the Chairman closed public hearing.  
150

151 The Chairman stated that it appeared the Applicant made an effort to screen the equipment as best  
152 possible given that this ductwork is required and needs to remain the same size and at the same location  
153 despite being new equipment. He stated one concern that there had been many applications over the  
154 years for which screening standards were challenged and thorough thought was required. As such, he  
155 wanted to ensure Commissioners had no further comments. There was no further deliberation.

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The official address of the parcel is 89 Main Street but the title of the architectural elevations in the motion below refer to the mailing address of The Colonial, 95 Main Street.

Vice Chair Fleming made the following motion, which Mr. Porschitz seconded.

On a roll call vote of 5-0, the Historic District Commission approved COA-2019-07, Modification #1 for modifications to the Colonial Theatre addition, as presented in the architectural elevations identified as “Building Elevations COA Application, 2021 Addition and Renovation, 95 Main Street Keene, NH” prepared by Weller & Michal Architects at a scale of ¼” = 1’-0” and dated December 1, 2020 with no conditions.

**4) Adoption of 2021 Meeting Schedule**

Ms. Benik moved to approve the 2021 Historic District Commission schedule, which Councilor Workman seconded, and the motion passed with a unanimous roll call vote.

**5) Staff Updates**

**a. 2020 List of Administrative Approvals**

Ms. Brunner recalled that once per year, Staff provide an update to the Commission on projects that were approved administratively during that year. Staff approved nine projects in 2020 and the full details of those projects are available for review on the 4<sup>th</sup> floor of City Hall. Most of these applications met the criteria for a Minor Project as outlined in §3.C. of the regulations. In some instances (only one in 2020), if a request is for a building that is ranked as Incompatible or Non-Contributing but it technically meets the criteria of a Major Project, there is a provision that allows the Community Development Director to deem it a Minor Project due to the ranking; these decisions are made in consultation with the Chair.

Chair Weglinski said it is important for the Commission to review the projects that were approved administratively to ensure nothing was overlooked or that the Commission had no questions/concerns. He asked Commissioners to review the list and tell him or Ms. Brunner if anything seems amiss.

Vice Chair Fleming asked that acronyms be spelled out moving forward for newer Commissioners. For example, he asked what RTU meant, and Ms. Brunner replied rooftop unit.

**6) New Business**

No new business was brought forward for inclusion on the next meeting agenda.

**7) Next Meeting – January 21, 2021**

**8) Adjourn**

There being no further business, Chair Weglinski adjourned the meeting at 5:14 PM.

199

200 Respectfully submitted by,  
201 Katie Kibler, Minute Taker  
202 December 23, 2020

203

204 Reviewed and edited by Mari Brunner, Planner

**CITY OF KEENE**  
**NEW HAMPSHIRE**

**MEMORANDUM**

Date: March 1, 2021  
To: Historic District Commission  
From: Tara Kessler, Senior Planner  
Re: Proposed Amendments to the Planning Board Regulations

At the Historic District Commission meeting on Wednesday, March 17, 2021, there will be a public hearing on the proposed amendments to the Historic District Commission's Downtown Historic District Regulations.

The Downtown Historic District Regulations are proposed to be incorporated in Articles 21 and Section 25.15 of the proposed City of Keene Land Development Code, which has yet to be adopted and is currently awaiting a public hearing by City Council (see Ordinance O-2020-10A).

Some of the proposed amendments to the regulations include but are not limited to changes to exempting buildings that are less than 50 years old from the regulations, amending the thresholds for major and minor project classification, and establishing standards related to artwork/murals on buildings and structures.

These proposed amendments to the Historic District Regulations have been reviewed by the Joint Committee of the Planning Board and Planning, Licenses, and Development Committee through the public workshop phase for ordinances O-2020-10A and O-2020-11A, which ran from November 9, 2020 through February 8, 2021. NH RSA 675:6 requires a public hearing be held by the Historic District Commission on proposed amendments to the regulations.

Attached to this memorandum are the sections of the proposed Land Development Code that include the amended Historic District Regulations.

For Commission members or members of the public seeking to compare these proposed regulations to the existing, the most current regulations are available at the following hyperlink, and are also available on the City's Historic District Commission Webpage (ci.keene.nh.us/historic-district-commission):  
[https://ci.keene.nh.us/sites/default/files/Community%20Development/Historic%20District/2018\\_10\\_03\\_Hist\\_Dist\\_Comm\\_Regulations\\_Adopted.pdf](https://ci.keene.nh.us/sites/default/files/Community%20Development/Historic%20District/2018_10_03_Hist_Dist_Comm_Regulations_Adopted.pdf)

The full text of the proposed Land Development Code is available at [www.keenebuildingbetter.com/ldc](http://www.keenebuildingbetter.com/ldc).



# ARTICLE 21. DOWNTOWN HISTORIC DISTRICT REGULATIONS

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## 21.1 GENERAL

### 21.1.1 District Map

The Downtown Historic District includes all structures and land located within the boundaries described in the map “Downtown Historic Overlay District Amendment” dated September 1, 2009. This map, shown in **Figure 21-1** is incorporated as part of this LDC, as may be amended.

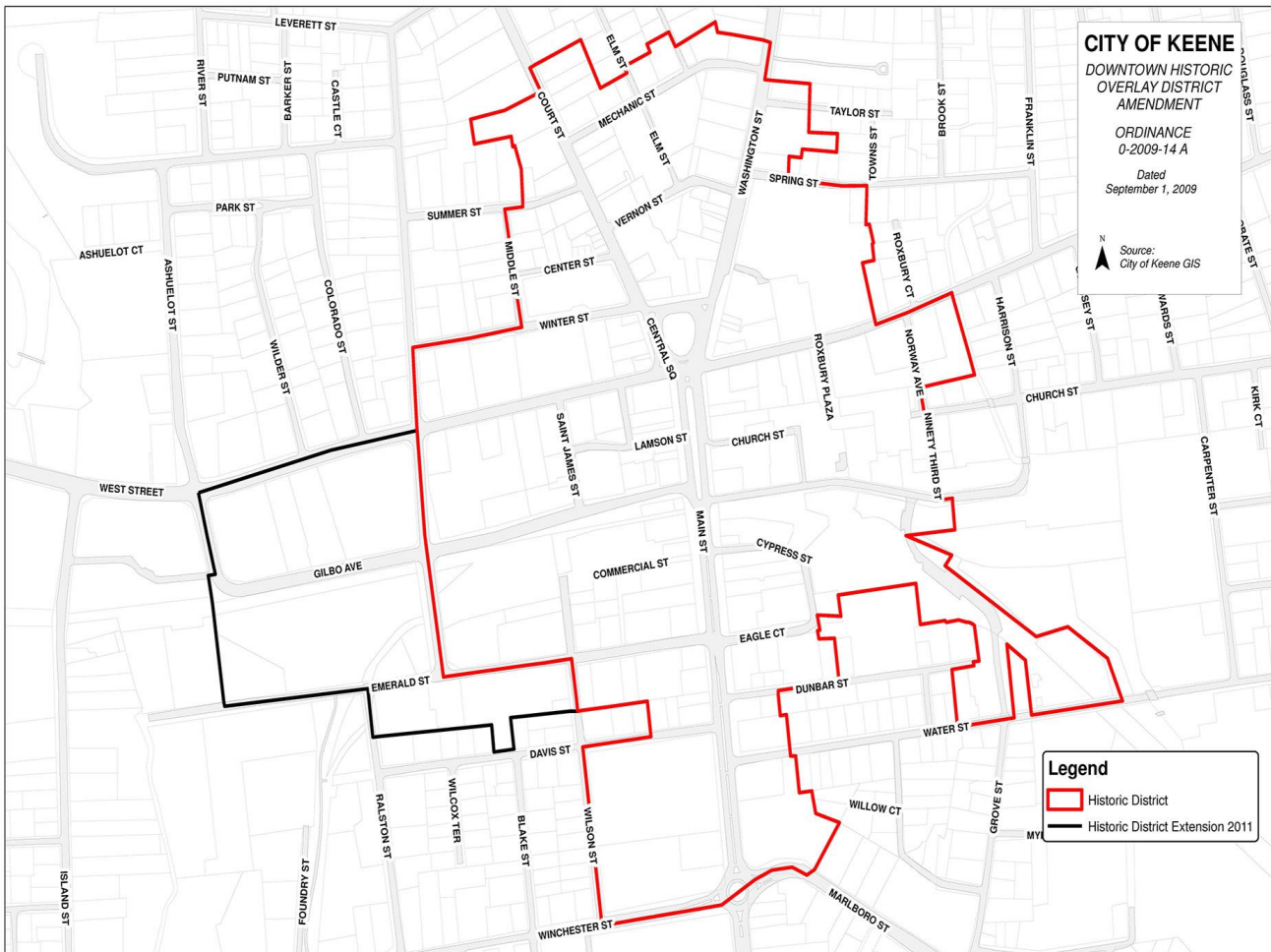
### 21.1.2 Purpose

The purpose of these Historic District Regulations is to recognize, preserve, enhance and perpetuate buildings, structures, and sites within the City of Keene's Downtown Historic District having historic, architectural, cultural or design significance.

### 21.1.3 Period of Significance

These regulations shall apply to all buildings or structures located within the Downtown Historic District that were constructed during the “Period of Significance.” The Period of Significance is the span of time during which the district attained its significance. This period starts in 1785, the year of the oldest extant building, and ends 50 years from present time.

Figure 21-1 Downtown Keene Historic District Map



## 21.2 ACTIVITIES REQUIRING A CERTIFICATE OF APPROPRIATENESS

The activities listed below shall require a certificate of appropriateness issued by the Historic District Commission (HDC) or its designee, in accordance with this Article and with the application and review procedures for certificates of appropriateness in **Article 25** of this LDC.

- A. Alteration, relocation, or demolition of a building or structure.
- B. 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.
- C. Installation of new paving (excluding maintenance of existing paved areas).
- D. Removal of 1 or more trees in excess of 15-in in diameter at a trunk height of 4-ft above grade, except where removal of such tree(s) is necessary for safety reasons as determined by a professional arborist or other qualified professional.
- E. Removal of stone wall(s), granite post(s), iron fence(s) or any portion thereof.
- F. Addition or alteration of existing exterior siding (e.g. vinyl, aluminum, stucco, wood, glass, etc.) of a building or structure.
- G. Painting in part or whole of a brick or stone masonry building or structure.
- H. Chemical or physical treatment to the exterior of a building (including paint removal), such as sandblasting or abrasive cleaning.
- I. Installation and/or screening of a bulk container, a waste storage container, a container pad, if visible from a public way.
- J. Installation of a satellite dish and/or telecommunications facilities on an existing building, structure, or site if visible from a public way.

- K. Installation of renewable energy systems on an existing building, structure or site if visible from a public way.

## 21.3 EXEMPTIONS

The activities listed below shall not require a certificate of appropriateness from the Historic District Commission or its designee.

- A. Buildings or structures built outside of the Period of Significance (i.e. less than 50 years old), including new free-standing buildings and structures.
- B. Any work or alteration to an existing building, structure, or site that is not visible from a public right-of-way, or other public place. If the area to be impacted is only screened from the public right-of-way by landscaping, it shall be considered visible. Work may include, but is not limited to, demolitions of freestanding buildings and additions to structures.
- C. 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.
  - 1. In terms of masonry repair, ordinary maintenance and repair may include in-kind, spot replacement of masonry units that are damaged or broken.
- D. Painting or repainting of:
  - 1. Already painted masonry building or structure, except for the repainting or covering an historic painted advertisement, sign or artwork, or painting over a mural that was previously approved by the Historic District Commission.
  - 2. Unpainted concrete surfaces.

**3. Metal roofs**

- E.** Installation or replacement of storm doors and storm windows.
- F.** Repairs to windows, entrances, doors, porches, siding, trim, roof surfaces, and other architectural elements that do not involve a change in their location, design, dimensions, or materials.
- G.** Installation of outdoor features (e.g. benches, sculptures, patios, trellises, etc.) that do not disturb any historic site features.
- H.** Replacement, repair, or resurfacing of a driveway or walkway as long as such work does not result in a change in material or expansion of the existing driveway or walkway.
- I.** Utility meters that are not located on a front or street-facing building facade.
- J.** Roof antennas or satellite dishes that are less than 24-in in diameter.
- K.** New wall vent openings, including new caps that are less than 16 square inches.

## **21.4 PROJECT CLASSIFICATION**

An applicant proposing any activity in **Section 21.2** shall meet with the Community Development Director or their designee prior to commencing work and/or submitting an application for a certificate of appropriateness.

### **21.4.1 Minor Project**

- A.** A Minor Project is defined as any work, including alteration or modification, to one or more of the items listed in **Table 21-2**.
- B.** Minor Projects shall require a certificate of appropriateness issued by the Community Development Director or their designee.
- C.** The Community Development Director, or their designee, shall keep the Historic District Commission informed of approved Minor Project applications annually.

### **21.4.2 Major Project**

- A.** A Major Project is defined as any work, including alteration or modification, to one or more of the items listed in **Table 21-3**.
- B.** Major Projects shall require a certificate of appropriateness issued by the Historic District Commission.
- C.** Projects that meet the Major Project threshold criteria may be considered to be minor projects if proposed on properties designated as Non-Contributing or Incompatible Resources, and the Community Development Director, or their designee, determines that the project does not warrant review and approval by the Historic District Commission.

**Table 21-2: Minor Project Threshold Criteria**

Primary / Contributing Resources Criteria:	Non-Contributing / Incompatible Resources Criteria:
<ul style="list-style-type: none"> <li>• Extensions to the expiration date of certificates of appropriateness where there is no change in project scope or specifications.</li> <li>• Replacement of less than 25% of existing exterior siding and/or trim when there is no change in general appearance.</li> <li>• Repair or repointing of masonry when there is no change in materials or general appearance.</li> <li>• Replacement of 2 or fewer windows or doors during the course of 1 calendar year (beginning with the date of approval).</li> <li>• Installation of HVAC and other mechanical equipment.</li> <li>• Removal of non-historic elements determined to conceal character-defining features.</li> <li>• Installation of fencing.</li> <li>• Installation of or changes to light fixtures that do not alter character defining features.</li> </ul>	<ul style="list-style-type: none"> <li>• Any activities classified as Minor Projects for Primary/ Contributing Resources shall also be considered Minor Projects for Non-Contributing/Incompatible Resources.</li> <li>• Removal, relocation or demolition of an existing building or structure.</li> <li>• Installation of prefabricated accessory buildings or structures with a gross floor area that does not exceed 125-sf.</li> <li>• Replacement of existing windows and doors or the installation of new windows or doors in former or existing openings.</li> <li>• Replacement of exterior masonry walls.</li> <li>• Changes to exterior materials other than those classified as Minor Projects.</li> <li>• Chemical or physical treatment to the exterior of a building or structure.</li> <li>• Installation of satellite dishes or telecommunications facilities.</li> <li>• Installation of dumpster, dumpster enclosure or pad.</li> <li>• Changes to grading.</li> <li>• Installation of renewable energy systems.</li> </ul>

**Table 21-3: Major Project Threshold Criteria**

Primary / Contributing Resources Criteria:	Non-Contributing / Incompatible Resources Criteria:
<ul style="list-style-type: none"> <li>• Any activities classified as Major Projects for Non-Contributing/ Incompatible Resources shall also be considered Major Projects for Primary/Contributing Resources.</li> <li>• Removal, relocation or demolition of an existing building or structure.</li> <li>• Replacement of exterior masonry walls.</li> <li>• Changes to exterior materials other than those classified as Minor Projects in Table 22-2.</li> <li>• Chemical or physical treatment to the exterior of a building or structure.</li> <li>• Installation of prefabricated accessory buildings or structures.</li> <li>• Changes to grading.</li> <li>• Installation of dumpster, dumpster enclosure, or dumpster pad.</li> <li>• Installation of renewable energy systems.</li> <li>• Replacement of more than 2 windows or doors during the course of one calendar year.</li> <li>• Installation of telecommunications facilities or satellite dishes.</li> </ul>	<ul style="list-style-type: none"> <li>• Renovation, rehabilitation, or restoration of a building or structure.</li> <li>• Additions to a building or structure.</li> <li>• Alterations to storefronts.</li> <li>• Creation of new openings for windows or doors.</li> <li>• Painting of a previously unpainted brick or stone masonry building or structure.</li> <li>• Installation of decks, patios, or pools.</li> <li>• Installation of art attached to a building or structure.</li> <li>• Removal of trees in excess of 15-in in diameter at a trunk height of 4-ft above grade.</li> <li>• Installation of prefabricated accessory buildings or structures with a gross floor area that exceeds 125-sf.</li> </ul>

## 21.5 STREETScape & SITE DESIGN STANDARDS

### 21.5.1 Trees

- A. Trees that exceed 15-in in diameter at a height of 4-ft 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 or is approved as part of a major project application for a certificate of appropriateness.
- B. 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.
- C. During construction, paving, and any site work, existing mature trees shall be protected.
- D. If a mature tree is damaged during construction, or removed without approval, it shall be replaced with a new tree of the same or similar species that is at least 3-in in diameter, as measured 24-in from the ground after planting.

### 21.5.2 Fences, Walls, Posts & Site Features

- A. Historic fences, walls, posts and granite site features (e.g. mounting blocks) shall not be removed from the site on which they are located and every effort shall be made to leave them undisturbed.
- B. 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.
- C. Fences and walls along the street frontage shall be no higher than 4-ft, unless it can be documented that a higher fence existed historically.
- D. Chain link fencing and chain link fencing with slats shall be prohibited.

### 21.5.3 Walkways, Driveways, Alleys, and Parking Areas

- A. 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.
- B. 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.
- C. Curb cuts for driveways on sites with residences or converted residences shall be the width of a single travel lane.
- D. 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.
- E. Where appropriate, parking and access drives shall be shared in order to reduce the amount of paved surface.

### 21.5.4 Utility, Service, and Mechanical Equipment

- A. Mechanical equipment (e.g. HVAC units, transformers, etc.), telecommunications equipment, and antennas shall be set back on the roof of the building so as to be minimally visible from the street, or ground-mounted toward the rear of the building, set as low to the ground as possible and with appropriate screening or landscaping to minimize visibility.
- B. New mechanical supply lines, pipes, and ductwork shall be placed in inconspicuous locations and/or concealed with architectural elements, such as downspouts.
- C. Bulk waste containers and waste storage containers shall be located, and appropriately screened, to be as inconspicuous as possible

from the public right-of-way and adjacent buildings in residential use. In addition:

1. 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.
  2. Screening shall be required if any portion of the bulk waste or waste storage container is visible from the public right-of-way.
  3. Screening shall consist of a solid wall or fence and a gate. Screening shall be a minimum of 6-ft in height or a height equal to the height of the waste container if the container height is greater than 6-ft;
  4. Screening shall be of a material, color, size, and pattern compatible with the building(s) or structure(s) on the site.
  5. Chain link fence or chain link fence with interwoven slats shall not be acceptable screening.
- D. Walls on front or street-facing facades shall not be penetrated for new vent openings larger than 70-square inches. New vent caps shall not be larger than 200-square inches.

### 21.5.5 Renewable Energy Systems

- A. Renewable energy systems 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.
- B. The order of preference for the location of renewable energy systems is listed below in order of most to least preferential location. An applicant is required to prove the most preferential priority locations are not feasible in order for the Historic District Commission, or its designee, to approve system installations on more significant parts of the site.
1. The rear or side of the property not facing a public right-of-way.
  2. On accessory buildings or structures (e.g. sheds, garages, barns, etc.) in a location that is least visible from the public right-of-way.
  3. On newer additions to the principal structure in a location that is least visible from the public right-of-way.
  4. On the flat roof of the principal structure, set back so as to be in the least visible location.
  5. On secondary façades or roofs (i.e. not facing the public right-of-way) of the principal structure.
  6. On facades or roofs facing the public right-of-way.
- C. Renewable energy systems shall be installed in such a manner that they can be removed and not damage the historic building, structure, or site with which they are associated.
- D. In order to minimize visual impacts, colors of equipment and assemblies associated with renewable energy systems shall either be muted or shall match nearby materials and colors, and solar panels shall have anti-reflective coating.
- E. 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.
- F. Solar array grids should be regular in shape and jointed. Multi-roof solutions should be avoided.
- G. All supplementary equipment and supply lines associated with renewable energy systems shall be placed in inconspicuous locations and/or concealed from view with architectural elements (e.g. downspouts) or other screening.



## 21.6 BUILDING REHABILITATION STANDARDS

### 21.6.1 General for All Buildings

#### A. Masonry

1. Character-defining architectural masonry trim shall be retained and repaired when technically and economically feasible. If the trim is sufficiently deteriorated so 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 that meets the standards for Art in **Section 21.6.1.B.**
6. Repointing shall only be undertaken to address deteriorated masonry or in areas where moisture infiltration is a problem.
  - a. The amount of wall area to be repointed shall be limited to the affected area.
  - b. The new mortar joints shall match the original as closely as possible in terms of profile, width, and mortar composition.

- c. 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.
  - d. The color of all mortar shall come from the aggregate and not the binder.
  - e. 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. Art

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 associated historic building, structure, or site.
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.
5. Murals proposed for unpainted brick or stone masonry surfaces on a building or structure shall meet all of the following criteria.
  - a. The mural will enhance or complement the historic or architectural features of the structure or site.



- b. The mural will enhance or complement the historic character or context of the surrounding area.
- c. The mural will showcase images of local places, people, and/or products that have historic significance to Keene and/or the surrounding region.
- d. The mural will be designed by a professional mural artist or sign painter.
- e. The mural is not located on the primary elevation of a Primary or Contributing Resource.
- f. The mural will not cover more than 40% of the surface area of a building or structure façade.
- g. Surface treatments that are appropriate for historic brick or stone masonry materials shall be used.
  - i. Waterproof coatings are prohibited.

### 21.6.2 Specific Standards for Non-Contributing and Incompatible Resources

- A. 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.
  - 1. Materials commonly referred to as “vinyl siding” are prohibited except when repairing existing vinyl siding.
- B. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- C. Restoration, rehabilitation, and/or alterations shall be based on physical, pictorial or documentary evidence and any surviving character-defining features shall be preserved.
- D. 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.

### 21.6.3 Specific Standards for Primary and Contributing Resources

#### A. General

- 1. 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.
- 2. 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.
- 3. 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).

#### B. Siding and Architectural Trim

- 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 shall be retained when possible. In considering an application for

manmade or synthetic siding other than vinyl or aluminum, the Historic District Commission, or its designee, shall take into consideration all of the following.

- a. The condition and type of the existing siding.
- b. Whether the new siding will alter or remove any original trim or character-defining features, or affect their arrangement or proportions.
- c. Whether the proportion of the new siding faithfully duplicates the historic material.

**C. Roofs and Roof Structures (e.g. chimneys, dormers, cupolas, iron cresting, flashing, gutters, downspouts)**

- 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.
  - a. The condition of the existing slate.
  - b. The percentage of slate that is beyond repair.
  - c. 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.
  - d. 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 either 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 to be a safety hazard by the Building and Health Official or their designee, and repair constitutes an economic hardship. Details of these chimneys (e.g. corbelling, stepped bases, terra cotta chimney pots, 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.

**D. 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, or its designee.
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 be prohibited.
6. Enlarging or reducing the window rough opening to fit new stock windows shall 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 (½) 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.

#### **E. Entrances, Doors and Porches**

1. Historic doors, entrances and porches, including their associated features, shall be retained or replaced in-kind. If repair is necessary, only the deteriorated element shall be repaired, through patching, splicing, consolidating or otherwise reinforcing the deteriorated section. If replacement is necessary, the new feature shall match the original in size, design, texture, color and where possible, materials. The new feature shall maintain the same visual appearance as the historic feature.
2. Introducing new door openings onto the primary elevations, or enlarging or reducing door openings to fit new stock

doors, is prohibited.

3. Enclosing a front porch with wood-framed screens is allowed. Screens shall be placed behind posts or balustrades, and shall be removable in the future without damaging historic elements of the porch.

#### **F. Commercial Storefronts**

1. Historic features of the storefront (e.g. iron or masonry columns or piers, window trim, glass, lintels and cornices, sills, steps, railings and doors, etc.) 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.

## 21.7 DEMOLITION

### 21.7.1 Primary and Contributing Resources

- A.** 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:
1. 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
  2. The building or structure has been determined structurally unsound, based upon a written technical report prepared by an architect or professional engineer licensed in the State of New Hampshire that clearly demonstrates that the building or structure presents a risk to public health, safety and welfare; or
  3. 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
  4. The Historic District Commission, by a two-thirds vote, determines that demolition is warranted due to extraordinary circumstances.
- B. Later Additions.** 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.
- C.** For the purposes of this Article, applications for relocation of a building or structure shall be subject to the same standards as demolition.

### 21.7.2 Non-Contributing and Incompatible Resources

- A.** 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.

### 21.7.3 On-Site Posting of Notice of Public Hearing

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

## 21.8 CONSTRUCTION OF NEW ADDITIONS

### 21.8.1 Primary and Contributing Resources

The following standards shall apply to the construction of new additions on Primary and Contributing Resources, and shall not apply to additions to a building constructed outside the Period of Significance or new principal buildings.

- A.** Additions shall not radically change, obscure, damage, or destroy character-defining features.
- B.** 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.
- C.** Additions shall be compatible in size and scale with the main building.
- D.** 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.
- E.** Whenever possible, additions shall be located at the rear or on an inconspicuous side of the building.
- F.** Additions shall take into account the historic relationships of existing buildings and site features on the site.
- G.** Materials used for siding on additions shall be compatible with existing materials on the building and shall be those that are common in the Historic District. Acceptable materials include brick, stone, terra cotta, wood, metal and cement clapboard.
- H.** Materials commonly referred to as "vinyl siding" are 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 Historic District shall be used.

### 21.8.2 Non-Contributing and Incompatible Resources

The following standards shall apply to the construction of new additions on Non-Contributing and Incompatible Resources, and shall not apply to additions to a building constructed outside the Period of Significance or new free-standing structures.

- A.** Additions shall reflect the context of surrounding historic buildings or structures and not detract from the overall character of the Historic District.
- B.** Materials used for siding on additions shall be compatible with existing materials on the building and shall be those that are common in the Historic District. Acceptable materials include brick, stone, terra cotta, wood, metal and cement clapboard.
- C.** Materials commonly referred to as "vinyl siding" are prohibited for use on additions except when the addition is to a building where the predominant existing siding type is vinyl.



## 25.15 HISTORIC DISTRICT CERTIFICATE OF APPROPRIATENESS

### 25.15.1 Description

Prior to changes or alterations to property within the City's Historic District, a certificate of appropriateness may be required to determine whether the proposed work is appropriate for the Historic District and is consistent with the Historic District Regulations.

### 25.15.2 Initiation

The applicant for a certificate of appropriateness shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

### 25.15.3 Applicability

Applications for a certificate of appropriate shall be required for work, which is classified as either major or minor projects, to property located within the City's Downtown Historic District.

- A. Minor Project.** Minor project review is required for any work, including alteration or modification, that meets or exceeds the threshold for minor projects in the Historic District Regulations in **Article 21.**
- B. Major Project.** Major project review is required for any work, including alteration or modification, that meets or exceeds the threshold for major projects the Historic District Regulations in **Article 21.**

### 25.15.4 Authority

- A. Minor Project.** The Community Development Director, or their designee, shall have the authority to review and decide on minor project applications for certificates of appropriateness.
- B. Major Project.** The Historic District Commission shall have the authority to review and decide on major project applications for certificates of appropriateness.

### 25.15.5 Submittal Requirements

An applicant for a certificate of appropriateness shall submit a completed application on the appropriate form to the Community Development Department, and shall provide sufficient information to enable City staff and the Historic District Commission to evaluate the proposal for compliance with this LDC. A completed application for a certificate of appropriateness shall include the following.

- A.** A written narrative describing the type, scope and scale of the proposal including the following information.
  - 1.** Existing and proposed uses
  - 2.** An explanation of how the proposal complies with the applicable standards in the Historic District Regulations in **Article 21.**
- B.** A complete plan set (3-copies on 22-in by 34-in paper; 1-copy on 11-in by 17-in sized paper; and, an electronic pdf file), which shall include the following materials.
  - 1.** An existing conditions plan (at a maximum scale of 1-in = 50-ft) showing all parcels affected by the proposal, and depicting the following information.
    - a.** Owner names and tax map parcel numbers for all direct abutters.
    - b.** Boundaries and acreage of the existing lot(s) subject to review.
    - c.** Location of any public streets, rights-of-way, and easements.
    - d.** Location of existing structures, site features (e.g. fences, walls, ground-mounted equipment, utilities, etc.), driveways, parking areas, and wooded or vegetated areas on the subject property.
  - 2.** A proposed conditions plan (at a maximum scale of 1-in = 50-ft) showing all parcels affected by the proposal, and depicting the following information.

- a. Owner names and tax map parcel numbers for all direct abutters.
  - b. Boundaries and acreage of the lot(s) subject to review.
  - c. Location of any existing structures or site features, driveways, parking area, wooded or vegetated areas, public streets, rights-of-way, and easements that are displayed on the existing conditions plan, which will not be altered or relocated.
  - d. The location of proposed structures and site features, driveways, parking areas, public streets, rights-of-way, easements, and landscaping.
- C.** Elevations at a maximum scale of ¼-in =1-ft (3 color copies on 22" x 34" sized paper and 1-color copy on 11"x17" paper and an electronic pdf file) showing the visual appearance and architectural details of all proposed structures, as well as any portions of the existing structure proposed for demolition or removal. Such drawings shall include proposed façade height and length dimensions, construction materials, finishes, and colors clearly labeled. Landscaping should not be included on elevations.
- D.** Additional color representations, simulations, or renderings of a proposed development may be required by the Community Development Director, or their designee, or the Historic District Commission during the review process.
- E.** Samples of mortar and/or brick for projects proposing new or replacement mortar and/or brick.
- F.** Manufacturer specifications (i.e. cut-sheets) for any proposed building materials, exterior lighting fixtures, windows and doors, mechanical equipment or other site elements (e.g. benches, railings). The applicant shall specify the proposed type, color and finish, if applicable, and if missing from the manufacturer specifications.
- G.** Manufacturer specifications (i.e. cut-sheets) for cleaning products, if applicable.
- H.** Photographs, renderings, and/or line sketches to visually demonstrate the scale, massing, and visual appearance of neighboring structures.
- I.** Major project applications shall include a notarized list of abutters, which shall include all owners of property that directly abuts and/or is across the street or stream from the subject parcel and all owners of property located within 200-ft of the subject property; the applicant; and holders of conservation, preservation, or agricultural preservation restrictions. This notarized list shall include the name and mailing address of the property owner, the property street address, and the tax map parcel number for each affected property.
- J.** Major project applications shall include 2 sets of mailing labels for each abutter, including the owner of the subject property and their authorized agent.
- K.** Application fee as set forth in the LDC Schedule of Fees in Appendix B of the City Code of Ordinances, including the costs for published and mailed notice, which shall be Certified Mail.
- L.** Other information as deemed necessary by the Community Development Director, or their designee, or the Historic District Commission to complete the review of the application.
- 25.15.6 Submittal Requirement Exemptions**
- A.** An applicant may make a request to the Community Development Director, or their designee, to exempt their application from specific submittal requirements.
- B.** For minor project applications, the Community Development Director, or their designee, shall have the authority to approve such exemption requests, based on the nature and scope of the proposal.
- 1. If a requested exemption is not granted by the Community Development Director,



or their designee, the applicant may appeal the decision to the Historic District Commission prior to the Commission's determination of application completeness.

- C. For major project applications, any exemption granted by the Community Development Director, or their designee, shall be evaluated and approved by the Historic District Commission during its review of application completeness.
  - 1. If the Commission determines that the exempted material is necessary to complete its review, they may deny the exemption request and determine the application to be incomplete.

### 25.15.7 Major Project Application Submittal Deadline

A completed major project application shall be submitted to the Community Development Director, or their designee, no later than 18 business days prior to the Historic District Commission meeting date at which the applicant desires the application to be reviewed.

### 25.15.8 Procedure

#### A. Minor Project Procedure

- 1. **Confirmation of Application Classification.** Upon receipt of a minor project application for a certificate of appropriateness, the Community Development Director, or their designee, shall verify that the request qualifies for classification as a minor project in accordance with this LDC.
- 2. Applications that do not qualify for minor project review in accordance with the Historic District Regulations in **Article 21**, or do not have sufficient information to determine compliance with these regulations, shall be returned to the applicant.
- 3. **Decision on Application.** Within 45 calendar days of receipt of all information necessary to evaluate a request for minor project review, the Community Development

Department, or their designee, shall complete its review of the application, in consultation with other City departments as appropriate.

- a. If in the judgment of the Community Development Director, or their designee, the minor project application is consistent with all applicable standards and regulations, the Community Development Director, or their designee, shall approve or approve with conditions an application.
- b. If in the judgment of the Community Development Director, or their designee, the minor project application is not consistent with all applicable standards and regulations, or is of a precedent-setting nature, the Community Development Director, or their designee, shall, at the preference of the applicant, either refer the application to the Historic District Commission for review and action as a major project or disapprove the application.

#### B. Major Project Procedure

- 1. **Presubmission Meeting.** A presubmission meeting with the Community Development Director, or their designee, is required prior to submitting a major project application for a certificate of appropriateness.
- 2. **Staff Determination of Application Completeness.** Within 2-business days following the application submittal deadline, the Community Development Director, or their designee, shall complete an initial review of the application to evaluate whether the submittal requirements have been met.
  - a. If the missing application materials or information is necessary for proper documentation, but are not central to the initial departmental review, the applicant will be permitted to provide the required materials or information

by the revision deadline of 10 calendar days prior to the corresponding regularly scheduled Historic District Commission meeting date.

- 3. Revision Deadline.** Any plan revisions or additional information requested of the applicant by City staff following departmental review of the application shall be delivered to the Community Development Department no later than the revision deadline of 10 calendar days prior to the corresponding regularly scheduled Historic District Commission meeting date. The revision deadline shall not be waivable.
- 4. Site Visits.** At the discretion of the Community Development Director or Historic District Commission Chair, a formal site visit to the subject property may be scheduled prior to the Historic District Commission public hearing on the application.
- 5. Compliance with Zoning.**
  - a.** Applications requiring approval from the Zoning Board of Adjustment shall not be noticed for public hearing until such approvals have been obtained.
  - b.** Applications shall be in compliance with the Zoning Regulations prior to the issuance of public notice for the public hearing.
- 6. Notice of Public Hearing.** The Community Development Director, or their designee, shall forward major project applications for a certificate of appropriateness to the Historic District Commission for a public hearing, and shall provide published and mailed notice of this public hearing pursuant to NH RSA 676:7.
  - a. On-Site Posting of Public Hearing.** For demolitions, applicants shall post a sign identifying the structure as proposed for demolition in a visible location on the premises at least 10-days prior to the public hearing. The sign is available from the Community Development Department and shall be returned prior

to an issuance of a Demolition Permit.

## **7. Determination of Application**

**Completeness.** The Historic District Commission shall vote to determine whether the application is complete prior to opening the public hearing.

- a.** The Historic District Commission shall consider advice from the Community Development Director, or their designee, in reaching a determination of application completeness.
- b.** If the Historic District Commission determines that an application is incomplete, the Commission will either issue a written decision of incompleteness or, with the applicant's consent, table the application until the next regular meeting of the Commission.

**8. Public Hearing.** Upon reaching a finding that an application is complete, the Historic District Commission may open the public hearing for the application.

**9. Decision.** The Historic District Commission shall finish its review of an application within 45 calendar days of the meeting at which the Commission accepted the application as being complete.

- a.** If the Commission feels that more time is needed, or if the applicant requests additional time, the timeframe provided for review can be extended by mutual agreement of the Commission and the applicant, so long as the applicant submits a request for the extension in writing.
- b.** Applicants whose application has been disapproved may make modifications to the disapproved plans and may submit a new application for consideration by the Historic District Commission, or their designee, which shall review the new submittal without prejudice.

### 25.15.9 Filing

- A. Upon approval of an application, a certificate of appropriateness shall be signed by the Historic District Commission Chair, or their designee, and issued to the applicant. A copy of the signed certificate of appropriateness shall be filed with the Community Development Department.
- B. Building permits shall not be issued, nor shall any construction or demolition commence, until an approved certificate of appropriateness has been signed by the Historic District Commission Chair, or their designee. Said signature shall signify that the certificate of appropriateness has been duly approved by the Commission and that all conditions precedent to the Chair's signature have been met as specified in the approval.
- C. Prior to signature of an approved certificate of appropriateness by the Historic District Commission Chair, or their designee, the applicant shall:
  - 1. Demonstrate to the satisfaction of the Community Development Director, or their designee, that all conditions of approval have been met; and,
  - 2. Provide complete copies of the approved plan set in a number and form as specified by the Community Development Department.

### 25.15.10 Approval Standards

All applications for a certificate of appropriateness shall be evaluated for compliance with the Historic District Regulations in **Article 21**.

### 25.15.11 Expiration

- A. A certificate of appropriateness issued pursuant to this LDC shall be valid for either the duration of an active building permit issued for construction associated with the certificate of appropriateness or, if no building permit is issued, the approval is valid for 1-year from the date of the Historic District Commission approval.

- B. If an application is conditionally approved, the applicant has 180-calendar days, beginning the day following conditional approval by the Historic District Commission or Community Development Director, whichever is the appropriate review authority in accordance with this Section, to meet any conditions required to be met prior to signature of the Historic District Commission Chair, or their designee, on the certificate of appropriateness.
- C. This Section shall not be waivable.

### 25.15.12 Extensions

- A. Extensions to the duration of a certificate of appropriateness may be granted by the Community Development Director, or their designee.
- B. No extension shall be granted for a period greater than 1-year from the current expiration date of the certificate of appropriateness.
- C. No more than 2 consecutive extensions shall be granted.
- D. 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.

### 25.15.13 Waivers

- A. Unless otherwise set forth in this LDC, the Historic District Commission may grant a waiver from strict compliance with provisions of the Historic District Regulations of this LDC on a case-by-case basis, so long as the Board finds, by majority vote, that:
  - 1. Strict application of these regulations would result in a particular and exceptional difficulty or undue hardship upon the owner of the affected property; and
  - 2. An alternative design or materials meets the design objectives stated in the Historic District Regulations of this LDC equally well or better than would strict compliance with

these regulations; and

- 3.** The waiver may be granted without substantial detriment to the intent of the Historic District Regulations and the public good.
- B.** In granting a waiver, the Historic District Commission shall require any mitigation that is reasonable and necessary to ensure that the spirit and intent of the standard being waived will be preserved, and to ensure that no increase in adverse impacts associated with granting the waiver will occur.
  - C.** Any waiver request shall be in writing and shall cite the specific regulation or standard a waiver is requested from and the reason(s) it cannot be met.
  - D.** Waiver requests shall be submitted following the same process and timeframe as is required for formal applications.

**CITY OF KEENE**  
**NEW HAMPSHIRE**

**MEMORANDUM**

Date: March 11, 2021  
To: Historic District Commission  
From: Mari Brunner, Planner  
Re: Proposed Amendment to the Historic District Commission Legal Notice Fee

**Overview**

At the Historic District Commission (HDC) meeting on Wednesday, March 17, 2021, there will be a public hearing on a proposed amendment to the HDC's Legal Notice Fee, which was last revised in June of 2017, from \$25 to \$62 to account for 1) additional costs related to noticing of remote meetings due to the COVID-19 state of Emergency and 2) to reflect increases in the per-line cost of legal advertisements. The proposed Fee Schedule, dated March 9, 2021, is attached to this memo.

**Background**

Staff recently became aware that the FY20 budget for advertising is close to being exhausted due to increased advertising costs related to noticing of remote meetings during the Covid-19 State of Emergency as well as increases in the per-line cost of legal advertisements. Staff conducted an analysis of the impact that remote meeting language has had on the average cost of a legal notice fee and determined that, on average, this language adds approximately 23.5 lines per application, or \$16.00 per application to the cost of the legal notice.

In addition, the per-line cost of legal advertisements has increased from \$1.35 per line in 2017 to \$1.50 per line today, and the per-line cost is going to increase again to \$1.60 per line starting on April 1, 2021.

In total, an average legal notice currently costs \$58.00 per application, and with the expected increase in the per-line cost going up to \$1.60, the average cost of a legal notice fee is expected to be \$62.00 per application.

Staff will conduct a presentation on the proposed change to the Legal Notice Fee at the March meeting.

**CITY OF KEENE**  
**HISTORIC DISTRICT COMMISSION FEES**

**MAJOR PROJECT APPLICATION**

- |   |   |
|---|---|
| ■ Formal Review   | \$50.00   |
| ■ Request for Modifications to an approved Certificate of Appropriateness | \$50.00   |
| ■ Request to extend expiration of conditionally approved                  | \$25.00 for each request Certificate of Appropriateness |
| ■ Abutter notice fee  | Current USPS certified mail rate                        |
| ■ Legal notice fee  | <del>\$25</del> <b>\$62</b>                             |

**MINOR PROJECT APPLICATION (ADMINISTRATIVE REVIEW)**

- |                      |                |
|----------------------|----------------|
| ■ Application Review | <b>\$25.00</b> |
|----------------------|----------------|

**Notes:**

- ❖ 1) All abutter mailing costs and legal notifications fees are to be paid by the applicant.
- ❖ 2) All fees are requested in a check made payable to The City Of Keene