



AGENDA

Joint Planning Board and Planning, Licenses & Development Committee

Monday, March 11, 2019

6:30 PM

Council Chambers

1. Roll Call
2. Approval of Meeting Minutes – February 11, 2019
3. Building Better Together Project
 - a. Historic District Commission Regulations
 - b. Telecommunications Ordinance
 - c. Downtown Form-Based Zoning
4. Staff update
5. Next Meeting – Monday, April 8, 2019
6. Adjourn

CITY OF KEENE
NEW HAMPSHIRE

JOINT PUBLIC WORKSHOP
PLANNING BOARD/
PLANNING, LICENSES, AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Monday, February 11, 2019

6:30 PM

Council Chambers

Planning Board Members Present

Douglas Barrett, Chairman
Chris Cusack, Vice-Chair
Andrew Weglinski
Martha Landry
Mayor Kendall Lane

**Planning, Licenses and Development
Committee Members Present**

David Richards, Chairman
Councilor Philip Jones
Councilor Bart Sapeta
Councilor Margaret Rice

Planning Board Members Not Present

Michael Burke
Pamela Russell Slack
Gary Spykman
Councilor George Hansel

**Planning, Licenses and Development
Committee Members Not Present**

Councilor George Hansel

Staff Present

Rhett Lamb, ACM/Com. Development Director
Med Kopczynski, Economic Development
Director
Mari Brunner, Acting Planner

1. Roll Call

Chair Barrett called the meeting to order at 6:30 pm and a roll call was taken.

2. January 14, 2019 meeting minutes

A motion was made by Mayor Kendall Lane that the Joint Committee accept the January 14, 2019 meeting minutes. The motion was seconded by Councilor Phil Jones and was unanimously approved.

3. Downtown Zoning Update Workshop with City Council

Asst. City Manager/Community Development Director Rhett Lamb and Economic Development Director Med Kopczynski addressed the Committee. Mr. Lamb gave a brief recap of the past few Joint Committee meetings where this topic was addressed. He said that after the January meeting, a draft of the downtown zoning map and sub-districts was sent back to the consultant for another round of review. The consultant has provided a report, which is included in the agenda packet. Tonight, staff would like to review the consultant's recommendations with the committee to confirm the details and go through a series of questions.

Mr. Kopczynski stated what staff would like to do today is to discuss the consultant's recommendations. Staff would also like to confirm the map, confirm sub-district types, locations, and standards for building height, setbacks, and parking. Mr. Kopczynski referred to a map which summarizes the changes made at the January meeting. The red line indicates the initial area that was proposed as the downtown boundary and noted that the green and blue areas are the areas that staff understood were to be added to the sub-districts. Mr. Lamb added that the green indicates areas that the Committee proposed to add to the Residential Transition zone; this includes what is

currently the Office district with the exception of the area of Office north of Beaver Street along the Washington Street corridor. The area south of the roundabout at Marlboro Street was also included in the green area. The blue area is what the Committee referred to as the “Commercial Transition” zone (a fourth sub-district which was added at the January meeting). The blue zone includes the area on Marlboro Street to Adams Street, the area around Ralston Street, and the area around Norway Avenue.

Mr. Kopczynski stated the consultant agreed with the essence of the work of the committee with a few exceptions: The first is in reference to the Keene State College campus – their comment is that the scale of these buildings and pattern of development are not consistent with the Residential Transition zone. They note that if the campus is to be added, it would make more sense to add a sub-district to address the unique form of development in this area. Their recommendation is to remove the campus from the downtown form-based zoning area entirely.

The second is in reference to the parcels abutting Foundry Street. The consultants recommend removing the parcels on the west side of Foundry Street, which are mostly residential properties and automobile-oriented businesses that lack connectivity with the rest of the downtown area. Mayor Lane stated the issue with Foundry Street is not what is there today but what it is going to be there in the future. He felt the west side of Foundry Street should be included in the blue area (commercial transition). He said the Committee should think about what they would like to see in the future and zone the area accordingly. He noted that this area will most likely be redeveloped if it is zoned appropriately. Mr. Kopczynski stated what is important to keep in mind is that the committee is clear on form based zoning because there was some confusion with underlying zoning, form-based zoning, and how it inter-relates with 79E. With reference to Foundry Street, it is important to keep in mind how the City wants it to look and what kind of massing the City wants on this street.

With regards to the areas around Wilcox Terrace and Harrison Streets, the consultants note that the “Commercial Edge” zone serves the same purpose as the “Residential Transition” zone, which is to ramp down intensity and transition from a downtown to a residential area. Therefore, it is not necessary to have a Residential Transition zone next to a Commercial Edge zone, as they serve the same purpose.

The consultants note that the area east of Carpenter Street including Pat Russell Field is not easily accessible from downtown; if the City wants it to remain as green space they feel it should be designated as open space (i.e., we don’t want 7-story buildings there). Mr. Lamb noted what the consultant is saying is the area directly adjacent shown as the outer core could have the potential to include seven story buildings, which would then require a transition zone on the east side of Carpenter Street. As a result, the recommendation is to not include Carpenter Street in form-based zoning and instead zone it as something that would indicate its use as open space.

Staff referred to a rendering that depicts a transect of the different form-based zones, including Downtown Core, Outer Core, and Residential Transition, and how they transition to adjacent residential uses outside the downtown form-based zones. Mr. Kopczynski noted that in this case, there is a higher density with medium heights in the Downtown Core, slightly less density with taller heights in the Outer Core, and smaller buildings with reduced heights and greater setbacks in the Residential Transition. Mr. Lamb noted that sidewalks are more generous in the Downtown Core and there is higher pedestrian activity in this area, and added that the Residential Transition area includes a mix of commercial uses, but at a residential scale.

Next, Mr. Kopczynski referred to a graphic which depicts “Commercial Edge” in place of “Residential Transition” in the transect. Mr. Lamb said that the main difference is that the Commercial Edge would have a larger scale than a residential area and more parking, as these uses will require more accommodations for vehicles. Staff asked for feedback from the Committee.

Councilor Sapeta referred to the Outer Core zone, noting that Gilbo Avenue is the most under-utilized area in the downtown, and asked whether it would be prudent to extend the Downtown Core zone along Gilbo Avenue so density could be increased in this area. He stated he agreed with the Mayor regarding Foundry Street. The Mayor agreed that Gilbo Avenue is an under-developed area and is an area which could see substantial development in the future, and noted that from a terminology point of view, the term “Outer Core” represents areas that are prime for redevelopment. Mr. Lamb stated the Mayor is correct and added at the present time the difference between the downtown core and the outer core is setbacks – the “build-to” line is 0 to 5 feet in the Downtown Core, which will help create a seamless edge along the edge of the sidewalk. In the Outer Core the “build-to” line is 0 to 15 feet because the right-of-way/street width is not as generous in these areas so a larger setback will avoid creating a “canyon effect” with tall buildings. Mr. Kopczynski said that parking is a little more generous in this area as well.

Mr. Burke referred to the properties west of Foundry Street and asked about their current use and zoning. Mr. Lamb replied that they are in the Commerce zone, and they are primarily commercial uses with outdoor displays and an orientation toward automobiles, not pedestrians. The consultants recommended not including this area in the downtown form-based zone because the form and orientation towards automobiles in this area doesn’t currently fit with the downtown form, and would need to change significantly to fit in.

Mayor Lane felt not including the Pat Russell Park into downtown core is not going to be an issue as this is not going to be an area that would be developed. However, he felt the college is a different issue and that the campus needs to be included as part of the downtown. He agreed with the consultants that the campus does not fit the model of the Residential Transition area, and possibly it doesn’t fit any of the sub-district types. Perhaps the closest one is the Outer Core zone. He added that it is likely that some areas of the campus will get redeveloped and will have more high-rise buildings. Although legally the college is not subject to the City’s zoning, it is probable that they would work with the City to be consistent with our zoning.

Councilor Rice asked whether the college has been approached about this issue. Mayor Lane stated they have indicated they would like to be part of the downtown and added this is something the Mayor, the City-College Commission, and their President have been working on. The college is working on their master plan and as part of their update, they are looking at how best to incorporate the college into the downtown.

The Councilor asked whether the college could be brought to the table so they can better advocate for themselves. Dr. Cusack stated he is on the City-College Commission and this is an item that was raised as a topic of conversation. Councilor Sapeta felt the City-College Commission was the appropriate venue for this discussion to happen.

Ms. Landry asked what the rationale was for taking out Wilcox Terrace as a residential transition zone. Ms. Brunner stated the reasoning is that a Residential Transition zone is not required next to a Commercial transition zone because they both serve the same purpose of transitioning from more intense to less intense areas. She referred back to the graphics that showed the two transects and how the built form changes from one district to the next.

Chair Barrett said that he does not feel strongly about whether or not the college campus is included, however he asked staff to give more consideration to where the boundary line is drawn. Currently, it bisects a building. He also referred to the Blake Street area and noted this is an area where owner occupied units were to be encouraged and asked whether this should be considered to be made part of the downtown.

Mr. Kopczynski stated there needs to be some transition area from the hard core of the downtown to the residential areas. The Mayor referred to the neighborhood near Water Street, Grove Street, and Willow Street and said this area needs to be addressed. Mr. Kopczynski said that is a question for the board and asked what type of development they would like to see in this area. Do they want the built form to change significantly? The Mayor noted that this area could probably fit into the Residential Transition sub-district. Mr. Lamb brought up the question of uses and said the group should start thinking about what type of uses are allowed in each sub-district.

Chair Richards said that he agrees that combining the Office District with the Residential Transition areas makes sense. He referred to the Commercial Transition sub-district and noted parking is being suggested to be located to the front, side and rear and asked whether it should be tightened so that parking could be located more to the rear. He doesn't want this area to look like a strip mall developed in the 1950s and 1960s.

Mr. Kopczynski stated parking requirements is a topic that still needs to be discussed, along with other issues such as maintenance. There was discussion about SEED District and how the incentives provided within the SEED District as it applies to height and parking could be applied to the downtown zoning. The City offers "carrots" in the form of allowing developers to do something they wouldn't otherwise be allowed to do, such as build taller buildings, in return for building "green" buildings. Councilor Rice asked about incentives with respect to parking, and staff noted that the SEED District incentivizes green buildings by allowing developers to provide less parking than would otherwise be required.

Chair Barrett stated it seems like there is agreement today regarding the area north of Davis Street on the west and Water Street on the east as to what is shown on the map. Most of the discussion today has also been about the southern area, Foundry Street, Blake Street, Wilcox Terrace, the college neighborhood, and Willow Street. He said the Committee should go through each of these areas one by one to reach consensus on where the boundary should be.

Ms. Brunner called the committee's attention to the area north of Vernon Street (an area the consultant had referred to) – they noted the area between Mechanic and Vernon Street is part of the downtown core today. The consultant wanted to know if the committee wanted this area to be developed in the same manner as the downtown or be made part of another sub-district. Chair Barrett said this area should be added to the list.

West of Foundry Street – Chair Barrett stated he favors including the west side of Foundry Street but would leave out the motor cycle shop and car dealership. He said it is more important to look at the built form than to focus on a natural boundary like the river. Ms. Landry reiterated what the Mayor stated as to what this area could be in the future. Councilor Richards agreed and said he would be in favor of including these parcels.

Councilor Jones asked whether by including these areas in the downtown zoning district, this could eventually expand the 79E District. Mr. Kopczynski stated it could; that decision would ultimately

be up to the City Council to make. Councilor Sapeta asked whether the westerly portion of Foundry Street should be included in the Downtown Outer Core and south of that should be Residential Transition.

Chair Barrett suggested extending the downtown boundary west to the river with a southern boundary on Winchester Street and including this area in the Commercial Edge sub-district; there was general agreement from the Committee with this suggestion.

Councilor Sapeta asked for more distinct colors on the map for next time.

Wilcox Terrace and Blake Street – Chair Barrett stated one suggestion would be to extend the downtown boundary all the way to Winchester Street and make that entire pocket into Residential Transition. Councilor Jones raised a concern that if this change was put in place the SEED District could get eliminated in this area when the overlay is taken away. Mr. Lamb stated this is not necessarily the case because it has not been decided as to what is going to be done with the SEED District. Mr. Lamb added there might be overlays which might be preserved by incorporating them into the form-based zone and SEED could be one of those. Mr. Kopczynski pointed out the SEED concept was embedded in the business growth redevelopment area (not as an overlay).

Dr. Cusack asked if Davis Street and Blake Street were turned into Residential Transition and included in this district, and low intensity commercial uses are permitted, whether this commercial use could include a bar. Mr. Lamb stated if the City was to follow the Office district concept a bar would not be permitted.

Keene State College Campus – Chair Barrett then addressed the issue of including the college in the downtown core which he stated he had spoken against at a prior meeting. Ms. Landry asked for clarification on whether the whole campus or just a portion of the campus was being proposed to be included. Mayor Lane said that the portion of the campus along Main Street up to Wyman Way is the area he is most concerned with including. Mr. Kopczynski felt this is a discussion that should also happen with City College commission. Councilor Sapeta agreed there has to be some discussion happening with the college and said the buildings at the corner of Winchester Street and Main Street are not likely to change any time in the future. However, he sees the former hospital building seeing some change, which is further down south. The Councilor stated he was in favor of retaining Residential Transition on the east side of Main Street through Elliot Street as some of these uses are likely to change.

Councilor Richards said that he agrees with the consultants that Residential Transition is not the right fit for the campus on the west side of Main Street; the group discussed this area being in the “Outer Core” sub-district. Ms. Landry stated she serves on the Historical Society Board and noted the Bruder House is going through some renovation at this time. Ms. Landry expressed concern about a district that would permit seven story buildings right up to these historic buildings.

Chair Richards said the college is asking to be included in the downtown core but couldn’t see the college actually constructing seven story buildings. Mayor Lane stated the college is looking at redoing Elliot Hall and buildings located from Wyman Way north.

Southern side of Water Street/west side of Grove Street – Chair Barrett stated what he is hearing is to extend the downtown boundary all the way to Grove Street, and then the pocket this creates would be Residential Transition. The committee was in agreement with this suggestion.

Area between Mechanic Street and Vernon Street – Mr. Lamb noted that the first version of the downtown map that the consultant proposed had the Downtown Core stopping at Vernon Street. When the committee decided to reduce the number of sub-districts, this area got combined with the Downtown Core sub-district and now it extends through Mechanic Street. Along Washington Street and Court Street there are primarily two story buildings which don't match the downtown core and this is the reason the consultant wanted to verify that the Downtown Core should go down that far north.

Councilor Rice noted it was discussed previously that there are office uses in this area and that the committee was okay with these buildings being bigger and asked whether this was still the committee's understanding. Mr. Lamb stated along the spine of Elm Street there are some larger office buildings. Chair Barrett stated his understanding of the major difference between the downtown Outer Core versus the Commercial Edge was seven stories versus three stories. Councilor Rice asked whether Chair Barrett was suggesting changing this area from Downtown Core to Outer Core. Chair Barret said he is wondering if Commercial Edge would be appropriate for this area.

Councilor Sapeta referred to the area between Mechanic Street and Vernon Street and felt this area doesn't have as much opportunity for redevelopment in the future and asked which one of the four districts would allow for developers to be more creative in this area. He is not sure which of the sub-districts it would fit into.

Mr. Lamb referred to language from the consultant's report where they refer to buildings in the Mechanic/Vernon Street areas as being lower in height compared to the downtown core (up to five stories), and recognized the frontage was important for Court and Washington Streets because of the reuse of historic structures along these streets. Councilor Jones did not feel commercial edge would be the best option as this would allow for possible location of parking in the front – Chair Barrett noted as suggested by Chair Richards front parking was going to be eliminated with Commercial Edge. Councilor Richards said he would not want to see seven story buildings in this area. He said that it makes sense to keep Residential Transition to the north of the area between Mechanic Street and Vernon Street. Chair Barret said that based on the current sub-district options, if the committee does not want to see seven story buildings then that leaves Commercial Edge and Residential Transition.

Councilor Sapeta said that from the perspective of building height, Commercial Edge could make sense; however he wasn't sure that the proposed setbacks for the Commercial Edge sub-district would fit this area. He asked whether the setback should be reduced so the difference in the maximum front setback from the Downtown Core to Commercial Edge isn't as great. Mr. Lamb agreed if parking is going to be eliminated from the front, a 30 foot setback would not be necessary. Chair Barret clarified that the setbacks are shown as a range from zero to 30 feet.

Ms. Brunner asked the committee to keep in mind the historic district overlay boundary and noted that the reason the consultants wanted to change the term from "Commercial Transition" to "Commercial Edge" was to try and differentiate between the built environment but not for the uses that will be allowed.

Chair Barrett asked whether the Committee would agree on the north side to keep the downtown boundary where it is and change the block between Mechanic Street, Vernon Street, Court Street and Washington Street to Commercial Edge. Councilor Jones stated he would agree with this proposal if the setback and front parking would change. Mr. Lamb stated there is plan to make a

change to parking in the front for commercial edge. As a result, it would make sense to reduce the frontage requirement. Councilor Jones said in that case, he is in favor of this proposal.

Items for Discussion:

Mr. Kopczynski stated once the form based discussion is completed then the committee would need to start discussing the underlying uses for each sub-district. In a purely form based environment there are no underlying uses; the zoning only deals with the built form. However, the City is proposing a form-based district where use will still be regulated. He noted that there is a downtown district and a number of sub-districts that are overlaying the present zoning code uses. While the uses are being modernized there needs to be conversation about how the present uses are going to be changed to get the most benefit from form based zoning.

Councilor Sapeta noted Carpenter Field was removed from the downtown outer core but the Findings Building was also removed and asked whether there is any other way to encourage development of that parcel. He further stated the population of Keene has been stagnant in the last 30 years to about 25,000 and hoped we can grow the population. He stated he agrees with keeping Gilbo Avenue as downtown outer core and asked if it wouldn't be prudent if downtown extended all the way to School Street for future development and to help with population growth. He asked then committee to consider this before any final decision is made.

4. Staff update

Mr. Lamb stated the city is making great progress on what is being called "social service uses" in the zoning district; there was a separate contract for an analysis of definitions, processes and permitting for uses such as group homes, shelters, boarding houses, and lodging houses. Initial staff work has been successful and staff is happy as to how these uses are defined. Now the work is how these uses will be permitted and where they will be located in the city. Staff will be back with an ordinance at a later meeting, possibly by April. Mr. Kopczynski added that this will be done ahead of the larger UDO project, and it will be important to keep in mind as the project moves forward how these uses will be incorporated into the downtown form based zoning.

5. Next Meeting – Monday, March 11, 2019

6. Adjourn

The meeting adjourned at 8:05 pm.

Respectfully submitted,

Krishni Pahl,
Minute Taker

Reviewed and edited by Mari Brunner, Acting Planner

City of Keene, New Hampshire
• LAND DEVELOPMENT CODE •
DRAFT TABLE OF CONTENTS

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DRAFT

2020 Building Better Together (UDO)

	 <p>SIMPLE New regulations will be easy to navigate & will include graphics to outline a clear process, from start to finish.</p>	 <p>EFFICIENT The updated structure will provide a set of clear procedures for development queries, & will create a more streamlined application process – eliminating the need to navigate multiple points of contact.</p>	 <p>THOUGHTFUL Although our regulations have worked in the past, they can be outdated & confusing. This update will help guide us into the future, while protecting the crucial elements that make this a great place to live, work, & play.</p>	<p>Historic District Regulations</p> <p>Draft as of 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.¹ Primary and Contributing resources have historic or architectural integrity and contribute to the historic district, whereas Non-Contributing and Incompatible resources have low/no historic or architectural integrity and 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.

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

REMAINING ISSUES/QUESTIONS

- Depending on how the Downtown Form-Based Code portion of the project unfolds, there are several sections of the HDC Regulations that may or may not remain (i.e. paving standards, standards for dumpsters and bulk waste containers, lighting, etc.). These sections will be re-visited once the proposed Form-Based Code standards are clearly defined.
- 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>MINOR PROJECTS:</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>MINOR PROJECTS:</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>MAJOR PROJECTS:</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>MAJOR PROJECTS:</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.

RESOURCE RANKING LIST

HISTORIC DISTRICT COMMISSION RESOURCE RANKING (As of 10/11/2016)

ADDRESS	RANKING
7 Center St	Primary
17 Center St	Contributing
23 Center St	Contributing
27 Center St	Contributing
33 Center St	Contributing
9 Center St	Primary
11 Center St	Primary
11 Central Sq	Primary
32 Central Sq	Primary
14 Central Sq	Primary
20 Central Sq	Primary
39-42 Central Sq	Primary
1 Central Sq	Primary
4 Central Sq	Primary
10 Central Sq	Primary
23 Central Sq	Primary
37 Central Sq	Primary
39 Central Sq	Primary
43 Central Sq	Primary
48 Central Sq	Primary
50 Central Sq	Primary
16 Church St	Primary
37 Church St	Primary
0 Commercial St	Not Ranked
20 Commercial St	Contributing
Common - NW quad	Not Ranked
82 Court St	Primary
12 Court St	Primary
7 Court St	Primary
26 Court St	Primary
91 Court St	Primary
56 Court St	Primary
28 Court St	Primary
30 Court St	Primary
32 Court St	Primary
34 Court St	Primary
40-44 Court St	Primary
49 Court St	Contributing
55 Court St	Contributing
61 Court St	Primary
70 Court St	Primary
73 Court St	Primary
81 Court St	Contributing
83 Court St	Non-Contributing
21 Davis St	Non-Contributing
16 Dunbar St	Contributing
8 Dunbar St	Contributing
17 Dunbar St	Contributing
24 Dunbar St	Primary
40 Dunbar St	Primary

ADDRESS	RANKING
11 Eagle Ct	Non-Contributing
12 Eagle Ct	Non-Contributing
7 Emerald St	Contributing
12 Emerald St	Non-Contributing
31 Emerald St	Contributing
32 Emerald St	Contributing
37 Emerald St	Non-Contributing
38 Emerald St	Contributing
43 Emerald St	Non-Contributing
48 Emerald St	Contributing
59 Emerald St	Incompatible
85 Emerald St	Non-Contributing
17 Federal St	Contributing
19 Gilbo Ave	Non-Contributing
109 Main St	Non-Contributing
176 Main St	Primary
178 Main St	Contributing
1 Main St	Primary
2-18 Main St	Primary
15 Main St	Contributing
20 Main St	Primary
22 Main St	Primary
25 Main St	Primary
35 Main St	Primary
45 Main St	Primary
46 Main St	Contributing
49 Main St	Primary
64 Main St	Non-Contributing
199 Main St	Primary
81 Main St	Non-Contributing
82 Main St	Contributing
87 Main St	Non-Contributing
88 Main St	Contributing
89 Main St	Primary
100 Main St	Non-Contributing
101 Main St	Primary
102 Main St	Non-Contributing
106 Main St	Non-Contributing
110 Main St	Contributing
122 Main St	Incompatible
125 Main St	Incompatible
133 Main St	Non-Contributing
143 Main St	Primary
147 Main St	Contributing
148 Main St	Non-Contributing
162 Main St	Incompatible
173 Main St	Primary
23 Mechanic St	Contributing
17-19 Mechanic St	Contributing
27 Mechanic St	Contributing

RESOURCE RANKING LIST

ADDRESS	RANKING
28 Mechanic St	Contributing
32 Mechanic St	Primary
35 Mechanic St	Primary
47 Mechanic St	Primary
57 Mechanic St	Contributing
67 Mechanic St	Contributing
37 Middle St	Contributing
29 Middle St	Contributing
12 Norway Ave	Non-Contributing
17 Ninety-Third St	Non-Contributing
76 Railroad St	Incompatible
15 Roxbury Plaza	Incompatible
21 Roxbury Plaza	Incompatible
9-23 Roxbury St	Primary
103 Roxbury St	Contributing
25 Roxbury St	Incompatible
37 Roxbury St	Non-Contributing
38 Roxbury St	Primary
43 Roxbury St	Non-Contributing
65 Roxbury St	Non-Contributing
81 Roxbury St	Incompatible
93 Roxbury St	Contributing
43 St. James St	Non-Contributing
49 St. James St	Non-Contributing
18 Summer St	Contributing
21 Summer St	Contributing
10 Vernon St	Contributing
11 Vernon St	Contributing
19 Vernon St	Contributing
32 Vernon St	Primary
39 Vernon St	Primary
124 Water St	Non-Contributing
3 Washington St	Primary
64 Washington St	Non-Contributing
38 Washington St	Non-Contributing
40 Washington St	Non-Contributing
52 Washington St	Contributing
57 Washington St	Contributing
74 Washington St	Primary
82 Washington St	Primary
85 Washington St	Primary
3 Washington St	Primary
69 Washington St	Primary
17 Washington St	Primary
26 Washington St	Primary
34 Washington St	Contributing
32 Washington St	Primary
34 1/2 Washington St	Incompatible
100 Washington St	Primary
60 West St	Primary

ADDRESS	RANKING
70 West St	Primary
91 West St	Primary
44 West St	Primary
104 West St	Primary
105 West St	Primary
19-25 West St	Contributing
16-18 West St	Primary
20 West St	Primary
33 West St	Non-Contributing
34 West St	Primary
55 West St	Primary
86 West St	Non-Contributing
100 West St	Incompatible
5 Wilson St	Primary
6 Wilson St	Contributing
12 Wilson St	Contributing
207 Winchester St	Primary
86 Winter St	Primary
60 Winter St	Primary

NOT YET RANKED	
0 Gilbo Ave	Bank of NH
166 West St	Friendly's
122 West St	People's United Bank
172 West St	US Army Recruiting Office
0 Emerald St	Brady Sullivan
120 Emerald St	Arcadia Hall
194 West St	TD Bank
43 Wilson St	Keene Student Rental
104 Emerald St	Keene Industrial Paper Co.
80-100 Emerald St	Emerald Ct (apts and offices)
0 Emerald St	Brady Sullivan
149 Emerald St	Brady Sullivan
149 Emerald St	Brady Sullivan
63 Community Way	City Side
39 Vernon St	Keene Fire Station
34 Cypress St	Monadnock Food Coop
75 Railroad St	Courtyard Marriot
49 Community Way	Railroad Sq Senior Housing
51 Railroad St	CMC / Nicolas / MEDC

RESOURCE RANKING LIST




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

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

Non-Contributing Resource - a building, structure or site within the Downtown Keene Historic District that is either less than fifty (50) years old and thus was not constructed within the Period of Significance; or is fifty (50) or more years old and 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 resource when it becomes 50 years old. It may also become a Primary or Contributing resource if its integrity is restored.

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.

2020 Building Better Together (UDO)

 <p>BUILDING BETTER TOGETHER KEENE NEW HAMPSHIRE</p>	 <p>SIMPLE New regulations will be easy to navigate & will include graphics to outline a clear process, from start to finish.</p>	 <p>EFFICIENT The updated structure will provide a set of clear procedures for development queries, & will create a more streamlined application process – eliminating the need to navigate multiple points of contact.</p>	 <p>THOUGHTFUL Although our regulations have worked in the past, they can be outdated & confusing. This update will help guide us into the future, while protecting the crucial elements that make this a great place to live, work, & play.</p>	<p>Telecommunications Ordinance</p> <p>Draft as of March 6, 2019</p>
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BACKGROUND:

The current ordinance, Chapter 102, article 7, “Telecommunications Towers and Antennas,” was adopted in 2001. At the time, most telecommunications facilities were mounted on towers which due to their height were visible if not camouflaged or concealed. In response to this trend, the 2001 ordinance focused mainly on mitigating the aesthetic impact of large towers and aimed to protect “viewsheds” within the City with the establishment of a “view preservation overlay” map in zoning. However, since the ordinance was adopted, there have been changes in federal and state law as well as advancements in telecommunications technology which are not adequately addressed in the current ordinance. The proposed revised ordinance has been updated to be more consistent with state and federal law, modernized to take into account newer technologies, and reorganized to make it easier and simpler for users to find the necessary information.

SUMMARY OF MAJOR CHANGES & REASONS:

- Updated the definitions section to be consistent with definitions used by state in NH RSA 12-K “Deployment of Personal Wireless Service Facilities” and the FCC Small Cell Order “Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, et al”:
 - “Collocation,” “modification,” “substantial modification,” & “utility pole” definitions added or updated.
- Updated process for collocation and modification applications, which per state law are only subject to a building permit.
- Created a process for small cell facilities, including a proposed license for new facilities for the public right-of-way under the authority of the Public Works Director.
- Revised the “View Preservation Overlay” map and re-named as “Telecommunications Overlay Map.”
- Added a use table to make it easier to understand what types of facilities are allowed within each zone, and a dimensional requirements table to make requirements for height, setbacks, etc. clear and easy to find and understand.
- Revised the design standards section to be more concise and less repetitive.

ATTACHMENTS:

- A. Proposed/revised Telecommunications Ordinance dated March 6, 2019

TELECOMMUNICATIONS OVERLAY DISTRICT (DRAFT)

I. Applicability and Exemptions

This Section shall apply to all telecommunications facilities, as defined in Section X of this article, within the City of Keene, with the following exceptions:

- Concealed or camouflaged facilities located on property owned, leased, or otherwise controlled by the City, not including the public right-of-way. This infrastructure shall only be permitted in locations of the City delineated in the Telecommunications Overlay Map in Section II of this article. For this exemption to apply, a license or lease approved by City Council authorizing such antenna or tower shall be required.
- Private use residential satellite dishes, antennas for wireless Internet access, private wireless ham communication antennas, or the installation of any tower or antenna less than 70' in height that is owned and operated by a federally licensed amateur radio station operator.
- Telecommunications facilities placed on existing mounts, building or structures, or modifications to existing telecommunications facilities provided that the proposed facility or facilities do not meet the definition of substantial modification.
- Concealed Facilities which are located inside a building or structure and are completely concealed from view.

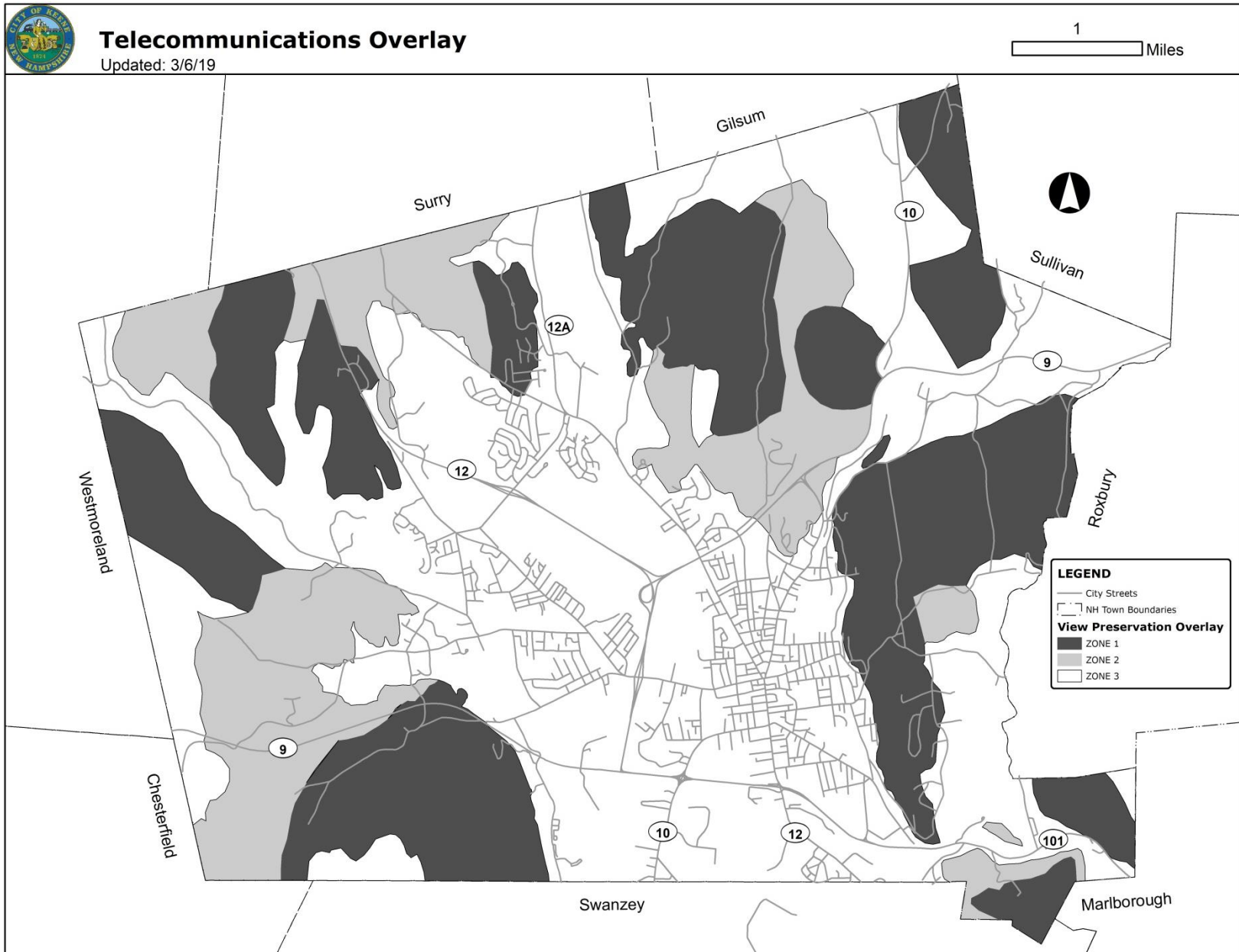
All telecommunications facilities, including the list of exemptions in Section I above, shall be constructed, installed, and maintained in compliance with local building codes, city ordinances, as well as all applicable state and federal regulations, including Federal Aviation Administration (FAA) and Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antennas.

- Conformity. If such standards and regulations are changed, the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
- Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for their removal at the owner's expense through execution of the posted security.

Telecommunications facilities shall not be considered infrastructure, essential services, or public utilities as defined or used elsewhere in this Land Development Code or the City's ordinances and regulations.

II. District Boundaries

The Telecommunications Overlay District as described in the Telecommunications Overlay Map dated March 2019, is adopted as an overlay to the official City of Keene Zoning Map. This Overlay District includes three zones: Zone 1, Zone 2, and Zone 3. Each zone is displayed on the Telecommunications Overlay Map.



III. Use Regulations:

The telecommunication facilities listed in this subsection are deemed to be permitted uses subject to the requirements of this article. The telecommunication facilities listed in this subsection all require a building permit, a conditional use permit, and/or site plan review. Facilities in the public right-of-way may require a license from the Public Works Director or their designee.

FACILITY TYPE	PUBLIC RIGHT-OF-WAY*	ZONE 1	ZONE 2	ZONE 3	HISTORIC DISTRICT
Structure Mounted <i>(Mounted on an existing building or structure other than a tower)</i>					
Collocation/Modification	O	O	O	O	O
Fully Concealed	O	O	O	O	O
Substantial Modification	O*	CUP + SPR	CUP + SPR	CUP + SPR	CUP + SPR
New Ground Mounted <i>(Mounted to the ground or a tower constructed primarily for the purpose of supporting telecommunications facilities)</i>					
Collocation/Modification	O	O	O	O	O
Camouflaged	O*	X	CUP + SPR	CUP + SPR	X
Non-Camouflaged	O*	X	X	CUP + SPR	X

O = allowed, subject to building permit. X = Not allowed. CUP = Conditional Use Permit. SPR = Site Plan Review.

* Per Section ? of City Code, new structures within the public right-of-way require a license issued by the Public Works Director or their designee.

- *Telecommunications Facilities within the Public Right-of-Way.* The placement or installation of new ground-mounted telecommunications facilities may occur within the public right-of-way, excluding Central Square and Main Street between Marlboro Street and Central Square. These facilities are subject to the issuance of a building permit and a license from the Public Works Director or their designee, and must meet the dimensional requirements as delineated in Section IV of this article.
- *Collocation of facilities.* The placement or installation of new telecommunications facilities on existing towers or mounts may occur in any district within the City provided it does not meet the definition of substantial modification as defined in Section X of this article, and is subject to the issuance of a building permit only.
- *Modification of facilities.* The replacement or alteration of an existing telecommunications facility within a previously approved equipment compound or upon a previously approved mount is allowed in all districts provided it does not meet the definition of substantial modification as delineated in Section X of this article, and is subject to the issuance of a building permit only.
- *Concealed facilities.* The installation of a facility that is located inside a building or structure and is completely concealed from view is allowed in all districts and is subject to the issuance of a building permit only.
- *Camouflaged telecommunication facilities.* The installation of new ground-mounted towers and antennas if camouflaged, or a substantial modification to an existing tower or mount that would maintain its camouflage, may occur within Zone 2 or Zone 3. All camouflaged facilities shall require the issuance of a building permit, conditional use permit, and site plan review under the Planning Board's site plan and subdivision regulations.

- *Ground-mounted towers and antennas.* The installation of new ground-mounted towers and antennas which are not camouflaged, or a substantial modification to an existing tower or mount that is not camouflaged, is not allowed in Zone 1, Zone 2, or in a designated historic district and shall require the issuance of a building permit, conditional use permit, and site plan review under the Planning Board’s site plan and subdivision regulations.

IV. Dimensional Requirements:

STRUCTURE-MOUNTED FACILITIES (excl. public right-of-way)		
Height	Shall not increase the height of an existing building or structure, including utility poles, guyed towers, lattice towers, and masts, by more than 10% or more than twenty (20) feet, whichever is greater.*	
	Shall not be placed on any structure less than thirty (30) feet in height.	
Setbacks	Shall comply with setbacks in the underlying zoning district where the facility is installed.	
	Shall not increase any nonconformity with respect to setbacks.	
NEW GROUND-MOUNTED FACILITIES (excl. public right-of-way)		
Height	Shall not project higher than twenty (20) feet above the average tree crown height within a 150' radius of the mount, security barrier, or designated clear area for access to equipment, whichever is greater (as measured according to the criteria set forth in Section ?). A licensed landscape architect, certified arborist or forester shall determine the average tree crown height.	
Setbacks	Shall comply with setbacks in the underlying zoning district where the facility is installed. These setbacks apply to the facility as well as all accessory equipment, structures, and/or fences greater than six (6) feet high associated with the facility.	
	Shall be set back a distance equal to 125% of the tower height from any offsite residential structure or public right of way.	
Fall Zone**	Shall maintain a minimum distance, which is equal to or greater than the fall zone, from the base of the facility to any property line, public road, residential dwelling, business use, institutional use, or public recreation area.	
	Fall zones may cross property lines if an easement is obtained from affected property owners.	
FACILITIES IN THE PUBLIC RIGHT-OF-WAY		
	STRUCTURE-MOUNTED	NEW GROUND-MOUNTED
Height	Shall not increase the height of an existing building or structure within the public right-of-way by more than 10% or more than ten (10) feet, whichever is greater.**	Shall not be greater than 35 feet in height.
Spacing	N/A	Shall not be located within 400 feet of an existing or proposed telecommunications facility, utility pole, and/or light pole within the public right-of-way.

* See definition of “Substantial Modification” in Section X of this article.

**Fall zone is defined as the area within which there is a potential hazard from falling debris, such as ice, which encompasses a circle with a diameter equal to twice the height of the telecommunication facility as measured on the ground from the base of the facility.

V. Design Standards

General:

The following standards shall apply generally to all telecommunication facilities subject to this Section.

Aesthetic:

- With the exception of those that are fully concealed from public view, telecommunication facilities shall not stand out in terms of color and materials, scale, height, mass or proportion against a contrasting background. Specifically:
 - The relative height, mass or proportion of telecommunication facilities shall be compatible with the building or structure it is located on and/or the immediate surroundings.
 - Telecommunications facilities installed on an historic structure shall not alter character defining features, distinctive construction methods, or original historic materials of the structure and shall be fully reversible.
 - Telecommunications facilities shall either maintain a non-reflective finish (subject to any applicable FAA standards), be painted a neutral color, or be painted a color that is closely compatible with or identical to the color and finish of the surrounding environment, buildings, structures, etc.
 - If mounted on an existing structure, telecommunication facilities shall be painted a color that is identical to or closely resembles that of the supporting structure.
 - Structure-mounted facilities shall blend or match the design features and materials of the existing structure as closely as possible.
 - Antennas shall be narrow in profile.
 - New ground-mounted towers and antennas or reconstructed towers and antennas shall be of a lattice, guyed, or mast type mount, unless an alternative design is approved by the Planning Board.
 - Monopoles are prohibited

Screening:

- Telecommunication facilities mounted on the roof of a building shall be concealed behind existing architectural features of the building or shall be located so that it is not visible from public roads.
- All mechanical and electrical equipment associated with any facility located inside a structure or building, must be concealed inside the structure or building or must be shielded from view from public roads.
- All equipment for a camouflaged facility shall be in an underground vault.
- All equipment for new ground mounted towers and antennas shall be in an underground vault or equipment shelter that is designed to be of an appearance and design consistent with the buildings in the area of the facility or camouflaged behind an effective year-round landscape buffer equal to the height of the proposed building.

Security Fencing:

- New ground-mounted facilities shall be enclosed by security fencing not less than 6 feet high or equipped with an appropriate anticlimbing device, if applicable.
- The Planning Board may determine whether security fencing or a barrier is required for other facility types.

Driveways:

- Existing entrances and driveways shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic and environmental impact.
- New driveways shall not exceed 12' in width and must comply with the City's driveway regulations ([see Section ?](#)).

Lighting:

- Telecommunication Facilities shall not be illuminated by artificial means with the exception of aviation caution lights shielded from sight from the ground or lights required by the FAA or other federal or state authority.
- Lighting of equipment structures and any other facilities on site shall be fully shielded.
- Footcandle measurements at the property line shall be zero (0).

Signage:

- No signs are allowed except for warning or equipment signs in compliance with **Section ? - Sign Code**.

VI. Conditional Use Permits

General. All applicants for telecommunication facilities as required under this article shall apply to the planning board for site plan review in accordance with the requirements as provided for in the city's site plan review regulations. As required under this article, applicants shall also be required to submit the information provided for in this section.

Burden of Proof Policy. Only after demonstrating to the planning board that it is not feasible to conceal telecommunication facilities inside an existing structure or building, collocate facilities at existing ground-mounted telecommunication towers or antennas, install or mount telecommunication facilities onto existing structures or buildings, or construct camouflaged telecommunication facilities, can an applicant consider or propose a new ground-mounted telecommunication facility which is not camouflaged. When considering a new ground-mounted facility, the applicant shall have the burden of proving to the Planning Board that none of the options listed above are possible. To meet this burden, the applicant shall take all of the following actions to the extent possible:

- The applicant shall submit to the planning board a list of all contacts made with owners of potential sites regarding the availability of potential space for a telecommunication facility. If the planning board informs the applicant that additional existing structures or buildings may be satisfactory, the applicant shall contact the property owners of those structures or buildings.
- The applicant shall provide to the planning board copies of all letters of inquiry made to owners of existing structures or buildings and letters of rejection. If letters of rejection are not provided, at a minimum, unanswered return receipt requested forms from the U.S. post office shall be forwarded for each owner of the existing structure or building that was contacted.
- If the applicant claims that a structure or building is not capable of physically supporting a telecommunication facility, a licensed professional civil or structural engineer must certify this claim to the planning board. The certification shall, at a minimum, explain the structural issues and demonstrate that the structure cannot be modified to support the telecommunication facility without unreasonable costs.

Issuance. In granting the conditional use permit, the planning board may impose conditions to the extent the board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties, and preserve the intent of this article.

- *Procedure on application.* The planning board shall act upon the application in accordance with the procedural requirements of the site plan review regulations and RSA 676:4.
- *Decisions.* Possible decisions rendered by the planning board include approval, approval with conditions, or denial. All decisions shall be rendered in writing, and a denial shall be in writing and based upon substantial evidence contained in the written record.

- *Factors considered in granting decisions.* In the review of conditional use permit applications, the applicant and the planning board shall address all applicable design standards as provided for in Section V – Design Standards. In addition, the planning board shall consider the following additional factors:
 - Visual impacts of the proposed facility on view sheds, ridgelines, and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.
 - Availability of alternative facility types and sites.
 - Height of proposed tower or other structures. The Planning Board shall have the final authority to increase the allowable height of all new, altered, or reconstructed telecommunications facilities and towers based on site conditions in non-residential areas, provided:
 - If the structure is readily visible to residential properties, it does not exceed a height of 75 feet; and
 - If the structure is not readily visible to residential properties, it does not exceed a height of 125 feet.

Information required. Each applicant requesting a conditional use permit under this article shall submit a scaled site plan in accordance with the planning board's subdivision/site plan regulations and further information including a scaled elevation view, topography, existing vegetation and tree crown coverage, radio frequency coverage, height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses up to 200 feet away, and any other information deemed necessary by the planning board to establish compliance with this article. Applications for new ground-mounted towers or antennas shall submit the following additional information as part of the conditional use permit request:

- An inventory and map of all existing ground-mounted towers and antennas that are located within the city's jurisdiction and those within two miles of the border thereof, including specific information about the location, height, as well as economic and technological feasibility for collocation on the inventoried towers and/or antennas. The applicant shall submit written evidence demonstrating that no existing ground-mounted tower or antenna can accommodate the applicant's proposed telecommunication facilities. This evidence can consist of substantial evidence that:
 - No existing ground-mounted towers or antennas are located within the geographic area required to meet the applicant's engineering requirements, provided that a description of the geographic area required is also submitted.
 - Existing ground-mounted towers or antennas are not of sufficient height to meet the applicant's engineering requirements, and why.
 - The existing ground-mounted towers or antennas do not have sufficient structural strength to support the applicant's proposed telecommunication facility's related equipment.
 - The applicant's proposed telecommunication facilities would not cause electromagnetic interference with the telecommunication facilities located on the existing ground-mounted towers or antennas, or the telecommunication facilities located on the existing towers or antennas would cause interference with the applicant's proposed telecommunication facilities.
 - The fees, costs, or contractual provisions required by the owner in order to share the existing ground-mounted tower or antenna are unreasonable. Costs exceeding new ground-mounted tower development are presumed to be unreasonable.

- The applicant can demonstrate other limiting factors that render existing ground-mounted towers and antennas unsuitable.
- An agreement with the city that allows for the maximum allowance of collocation upon the new structure. Such statement shall become a condition to any approval. This statement shall, at a minimum, require the applicant to supply available collocation for reasonable fees and costs to other telecommunications providers. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of the city, and grounds for a denial.
- The applicant shall submit the engineering information detailing the size and coverage required for the facility location. The planning board may have this information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be borne by the applicant in accordance with RSA 676:41(g).

Appeals. An appeal of a planning board decision relative to a conditional use permit under this section shall be to superior court in accordance with RSA 677:15.

VII. Waivers:

- (a) **Generally.** Where the planning board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the design standards and/or conditional use criteria set forth in this article may be served to a greater extent by an alternative proposal, it may approve waivers to this article. The purpose of granting waivers under this article shall be to ensure that an applicant is not unduly burdened as opposed to merely inconvenienced by this article. The board shall not approve any waiver unless a majority of those present and voting find that all of the following apply:
- (1) The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.
 - (2) The waiver will not, in any manner, vary the provisions of this chapter, the city master plan, or official maps.
 - (3) Such waiver will substantially secure the objectives, standards and requirements of this article.
 - (4) A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of a hardship shall include but not be limited to the following:
 - a. Topography and other site features.
 - b. Availability of alternative site locations.
 - c. Geographic location of the property.
 - d. Size/magnitude of the project being evaluated and availability of collocation.
 - (5) In no case shall ground-mounted towers, ground-mounted camouflaged or alternative towers, or preexisting reconstructed ground-mounted towers or antennas be greater than 125 feet in height.
- (b) **Conditions.** In approving waivers, the board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of this article.
- (c) **Procedures.** A petition for any such waiver shall be submitted in writing by the applicant with the application for board review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant. Failure to submit the petition in writing shall require an automatic denial.
- (d) **Appeals.** An appeal of a planning board decision relative to a waiver shall be to the zoning board of adjustment in accordance with RSA 674:33.

VIII. Maintenance, Monitoring, and Security:

Maintenance. The owner of an approved telecommunication facility shall maintain the facility in good condition. Such maintenance shall include but shall not be limited to painting, structural integrity of the mount and security fencing, and maintenance of the buffer areas and landscaping.

Monitoring. As part of the issuance of a building permit or conditional use permit, the property owner agrees that the city may enter the subject property to inspect the telecommunication facility or obtain RFR or noise measurements at the expense of the owner of the facility. The city shall provide reasonable written notice to the property owner and the owner of the facility and provide an opportunity to accompany city representatives when the inspection and/or measurements are conducted.

Security for removal. Recognizing the extremely hazardous situation presented by abandoned and unmonitored telecommunication facilities, the planning board shall set the form and amount of security that represents the cost for removal and disposal of abandoned telecommunication facilities if a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with Section IX of this article. The amount of the security shall be based upon the removal cost, plus 15 percent, provided by the applicant and certified by a professional engineer licensed in the state every five years from the date of the issuance of a building permit or the date of planning board approval, whichever is applicable. If the cost has increased more than 15 percent, the owner of the facility shall provide additional security in the amount of the increase. Furthermore, the owner shall submit as part of the issuance of a building permit proof of adequate insurance covering accident or damage.

IX. Abandonment:

Notification. At such time that an owner or carrier plans to abandon or discontinue operation of a telecommunication facility, such owner or carrier shall notify the city manager by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. If an owner or carrier fails to give such notice, the telecommunication facility shall be considered abandoned upon such discontinuation of operations.

Removal. Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the facility within 90 days from the date of abandonment or discontinuation of use. The term "physically remove" shall include but not be limited to the following:

- Removal of antennas, mount, equipment shelters and security fencing as applicable from the subject property.
- Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain as finished.

Failure to remove. If the owner of the facility does not remove the facility upon order of the Building Official shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within 90 days of receipt of the declaration of abandonment. If the abandoned facility is not removed within 90 days, the city may execute the security to pay for removal. If there are two or more users of a single tower or antenna, this subsection shall not become effective until all users cease using the tower or antenna.

X. Definitions:

Antenna means any apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth, which is used as a telecommunication facility.

Antenna array means a collection of antennas attached to a mount to send and receive radio signals.

Average tree crown height means an average height found by inventorying the crown height at above-ground level of all trees over 20 feet in height for a defined area.

Carrier means a company that provides telecommunication services, also sometimes referred to as a "provider."

Camouflaged means a telecommunication facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure. Camouflaged facilities include manmade trees.

Collocation means the placement or installation of new telecommunications facilities on existing towers or mounts, including electrical transmission towers and water towers, as well as existing buildings and other structures capable of structurally supporting the attachment of telecommunications facilities in compliance with applicable codes. "Collocation" does not include a "substantial modification."

Equipment shelter means an enclosed structure, cabinet, shed, vault, or box near the base of the mount within which is housed equipment for telecommunication facilities such as batteries and electrical equipment. Equipment shelters are sometimes referred to as "base transceiver structures."

Existing structure means a structure that was lawfully erected, installed, or constructed for purposes other than the siting of telecommunication facilities at least two years prior to the date of application for a building permit and conditional use permit to site telecommunication facilities thereon.

FAA means the Federal Aviation Administration.

Fall zone means the area on the ground from the base of a ground-mounted telecommunication facility that forms a circle with a diameter equal to twice the height of the facility. The fall zone is the area within which there is a potential hazard from falling debris, such as ice, or collapsing material.

FCC means the Federal Communications Commission. Any references in this article to Federal Communications Commission standards or governing law are to standards or law then prevailing or in effect.

Guyed tower means a monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.

Height means, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if such highest point is an antenna. The term "ground level" means the average existing grade or elevation of the ground surface within the footprint of the structure prior to any alterations such as grading, grubbing, filling, or excavating.

Historic structure means any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places by the state office of historic preservation; or
4. Located in the Downtown Keene Historic District or other local historic district.

Lattice tower means a type of mount with multiple legs and structural cross-bracing between the legs that is self-supporting and freestanding.

Mast means a thin pole that resembles a streetlight standard or a telephone pole. A dual-polarized antenna is typically deployed on a mast.

Modification means the replacement or alteration of an existing telecommunications facility within a previously approved equipment compound or upon a previously approved mount. This definition does not include a "substantial modification" or routine maintenance of an approved telecommunications facility.

Monopole means a thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel or concrete, or other material, that is designed for the placement of antennas and arrays along the shaft.

Mount means the structure or surface upon which antennas are mounted, including the following four types of mounts:

1. Building-mounted. Mounted on the roof or side of a building.
2. Ground-mounted. Mounted on the ground.
3. Structure-mounted. Mounted on a structure other than a building.

Planning board and board mean the city planning board and the regulator of this article.

Preexisting towers and antennas means any tower or antenna lawfully constructed or permitted prior to the adoption of the ordinance from which this article derives; also means any tower or antenna lawfully constructed in accordance with this article that predates an application currently before the board.

Radio frequency radiation (RFR) means the emissions from telecommunication facilities.

Security barrier means a wall, fence, or berm that restricts an area from unauthorized entry or trespass.

Separation means the distance between one carrier's array of antennas and another carrier's array.

Substantial modification means the mounting of a proposed telecommunications facility on a tower or mount which, as a result of single or successive modification applications meets any of the following criteria:

1. For towers or mounts other than those in the public rights of way:
 - a. It increases or results in the increase of the permitted vertical height of a tower, or the existing vertical height of a mount, by more than 10 percent or 20 feet, whichever is greater; or
 - b. It involves adding an appurtenance to the body of a tower or mount that protrudes horizontally from the edge of the tower or mount more than 20 feet, or more than the width of the tower or mount at the level of the appurtenance, whichever is greater, except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower or mount via cable; or
 - c. It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
2. For towers or mounts within the public rights of way:
 - a. It increases or results in the increase of the permitted vertical height of a tower, or the existing vertical height of a mount, by more than 10% or more than ten feet, whichever is greater; or
 - b. It involves adding an appurtenance to the body of a tower or mount that protrudes horizontally from the edge of the tower or mount more than six feet; or
 - c. It involves the installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

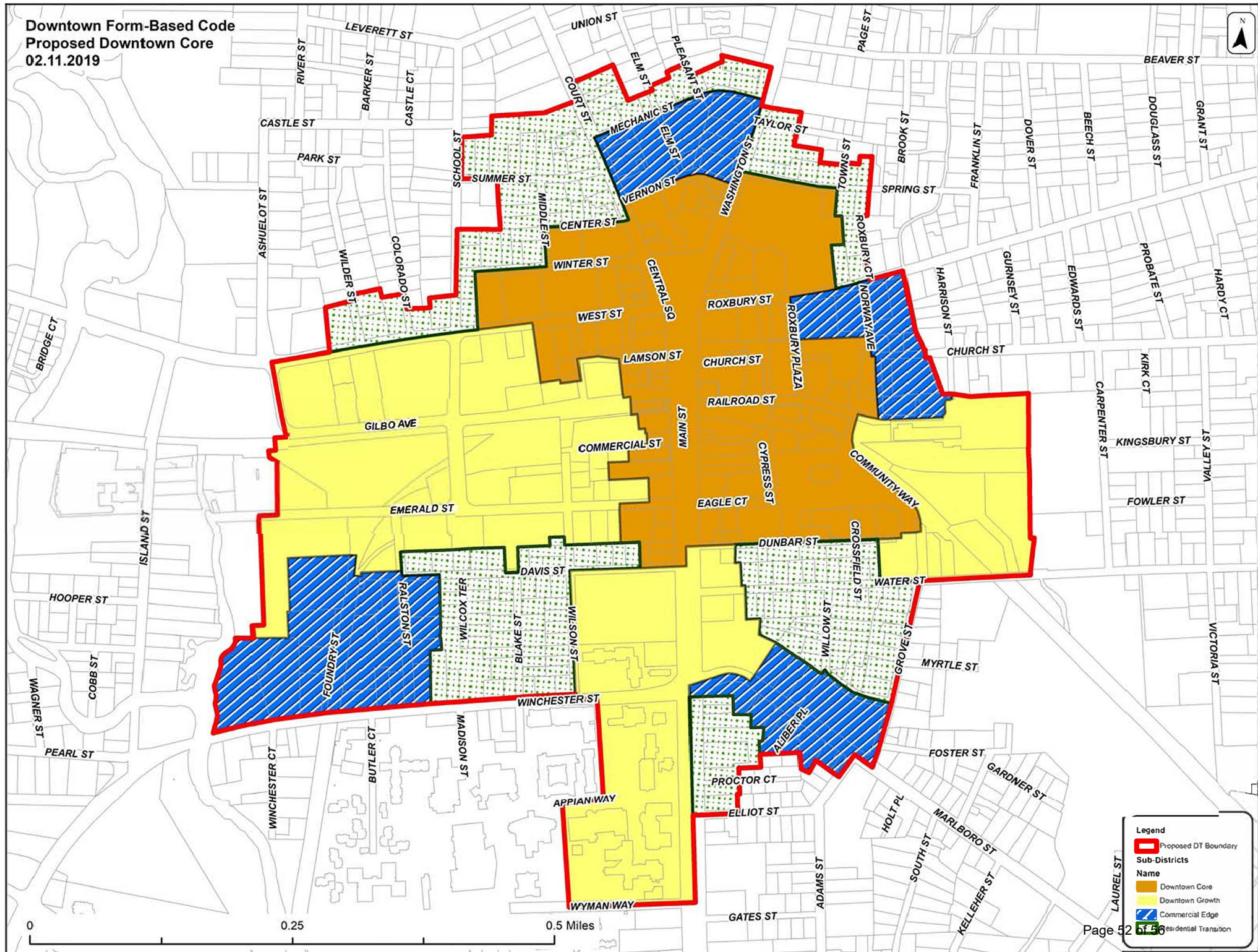
3. It increases or results in the increase of the permitted square footage of the existing equipment compound by more than 2,500 square feet; or
4. It entails any excavation or deployment outside the current site; or
5. It adds to or modifies a camouflaged telecommunications facility in a way that would defeat the effect of the camouflage, or
6. It alters or detracts from the historic character or architectural significance of an historic structure.

Telecommunications facilities means any structure, antenna, tower, or other device, which provides commercial mobile wireless services, unlicensed wireless services, cellular telephone services, specialized mobile radio communications (SMR), and personal communications service (PCS), and common carrier wireless exchange access services or other similar services.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.

Utility pole means a structure owned and/or operated by a public utility, municipality, electric membership corporation, or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting.

**Downtown Form-Based Code
Proposed Downtown Core
02.11.2019**



0 0.25 0.5 Miles

- Legend**
- Proposed DT Boundary
 - Sub-Districts
 - Name**
 - Downtown Core
 - Downtown Growth
 - Commercial Edge
 - Residential Transition

camiros

| consultants in planning, zoning, economic development,
urban design & landscape architecture

To: City of Keene
From: Camiros
Re: Downtown Subdistricts Discussion
Date: March 5, 2019

This memo is intended to highlight a few key decisions regarding the City of Keene's new downtown zoning that may require additional discussion before finalization and moving forward. It is focused around providing context and questions for discussion around a series of primary topics: the mapping and application of the Commercial Edge subdistrict, the mapping and application of the Residential Transition Subdistrict, restriction of parking location to the rear of buildings, and a general discussion of downtown zoning as it relates to the preserving character or facilitating change.

Areas of Preservation vs. Areas of Change

The downtown boundary, as initially proposed, was focused around identifying the extents of the pattern of development (scale, character, and uses) constituting what the community currently considers to be "downtown Keene." As such, it was predominantly oriented toward identifying a taxonomy of desirable development forms, and creating a series of subdistricts that acknowledged those forms, with the goal of reinforcing the existing character as new development or redevelopment occurred. This was true of all subdistricts with the exception of the "Downtown Growth" subdistrict, which envisioned a complementary development form that could be applied to currently undeveloped or underdeveloped areas such as Gilbo Avenue or areas surrounding Railroad Street.

Subsequent iterations of the downtown boundary have expanded into areas with a substantially different character than that which was originally considered to be "downtown Keene." As such, it is necessary to identify whether these areas are being identified as areas of preservation or areas where the City would like to facilitate long-term change. This is an important consideration, as it will have bearing on the ultimate subdistrict structure; the structure and number of subdistricts must respond to the City's desires for preserving specific character, or implementing specific change. Mapping a subdistrict with particular dimensional characteristics (setbacks, heights, parking location, etc.) over an area that does not currently conform to those particular characteristics sends a clear message that the City desires change. A good example of this lies in the currently proposed mapping of the Commercial Edge subdistrict.

Commercial Edge Subdistrict Mapping

The downtown map, as amended at the February Joint Committee Meeting, proposes the Commercial Edge subdistrict to be mapped over a number of areas that exhibit substantially different physical character:

- Areas mapped along Ralston Street, Marlboro Street, and Roxbury Street are somewhat similar in character, with buildings exhibiting varied conditions in terms of setbacks, some lots containing parking in front of structures, and a mixture of some larger commercial uses, office uses, and residential uses transitioning into predominantly residential areas of Keene. Buildings in these areas are anywhere from one to four stories in height.
- The area between Vernon Street and Mechanic Street, bounded by Court Street and Washington Street to the west and east contains buildings that are predominantly lower (one to two stories in height) and closer to the street (set back roughly 0-15'). This area comprises low intensity commercial/office uses, as well as a mixture of residential uses and larger civic uses (the Keene Fire Department). As currently developed, the form of this area of downtown Keene is quite unlike any other; it may be worth considering an additional subdistrict to accommodate and reinforce this scale and pattern.
- Foundry Street and Winchester Street represent yet another built character, with larger setbacks and significant parking, as well as significant areas of outdoor storage. Buildings are somewhat lower, at one to two stories. Here, more intense commercial uses such as auto sales and auto service mix with

technology/office uses and single-family homes.

- Finally, the Keene State College Campus is a very different character than any other part of downtown Keene. This section of the campus is characterized by larger structures with significant setbacks from Main Street. Additionally, as a State institution, the campus is not subject to local zoning.

Given the differences in character of each of the areas that are mapped as the Commercial Edge subdistrict, a series of critical decisions must be made. A single subdistrict, with a single set of dimensional standards and use permissions will not be able to adequately accommodate the conditions of each of these areas. Thus, the question becomes which character do we wish to reinforce, and which do we wish to change? Do we wish to see each of these areas change to a common character/form over time, or do we want to more intentionally guide the change that occurs? Do we wish to include the Keene State College campus in a subdistrict that does not acknowledge its unique built character, or do we need to consider the creation of a new subdistrict that could be mapped over the campus? Finally, do we need to consider an additional subdistrict for the northern end of downtown (Vernon/Mechanic Street)? Such a subdistrict would allow the unique character present here to continue into the future, and would reinforce the built form of this area through specific controls tied to the physical characteristics of current development.

Each of these questions should be considered as mapping of subdistricts continues. Further, it is important to note that there is no “magic” number of subdistricts for any community. If the ultimate goal of creating new zoning for downtown is to implement the City’s vision and ease administration of the code, it should be acknowledged that a greater number of subdistricts with standards that work for each area of downtown may in fact be more easily administered than a smaller number of subdistricts with standards that may not acknowledge the nuance of the built environment in downtown Keene.

Residential Transition Subdistrict Mapping

The Residential Transition subdistrict, as originally conceived, would accommodate those areas of downtown Keene that exhibit a mixture of residential structures and low intensity commercial/office uses, often in converted single-family homes, transitioning to purely residential neighborhoods adjacent to downtown. As such, the subdistrict would contain standards designed to acknowledge the built form of these areas, with larger setbacks, lower maximum heights, and flexibility in location of parking to acknowledge the physical constraints of some of these smaller development sites and encourage reuse of existing buildings.

In mapping larger swaths of the downtown area as Residential Transition, the intent of this subdistrict may be somewhat muddled. Areas such as Blake Street, which are currently intact residential neighborhoods, may not benefit from the Residential Transition subdistrict, which would represent a change to the built character and allow commercial uses into an area that is currently solidly residential in character. In considering the mapping of these areas, it should be considered whether they are in fact areas of transition, or if they are simply residential neighborhoods.

If the intent is to facilitate change, and to think into the future about some of the residential areas surrounding the Keene State College campus, it may be worth considering the creation of an additional subdistrict that could be used to implement transformative change in a manner that the more incremental Residential Transition subdistrict does not encourage.

Restriction of Parking Location Across Subdistricts

Similar to considerations of subdistrict mapping and ensuring acknowledgement of existing character or facilitation of change, restricting the location of parking areas across all subdistricts should be carefully considered. Such a restriction may have a number of implications for current development, rendering many lots nonconforming based upon their current parking, and discouraging the reuse of buildings that are sited to the rear of parking areas. Nonconformity is an especially important consideration in areas mapped Commercial Edge, which currently contain a good number of lots with parking to the side or front of structure. A restriction on parking location would move these lots into nonconforming status, which may present difficulties regarding maintenance/replacement/resurfacing of parking areas, and may be seen as a disincentive for reuse of existing structures.

Additionally, such a restriction may be problematic in areas mapped Residential Transition, which are often constrained by small lots, or the presence of existing structures that would prevent siting parking to the rear. To facilitate reuse of these structures, allowing for parking to the side of the building should be considered. Perimeter parking lot buffering standards can ensure that the visual impact of such parking areas is mitigated, while allowing the flexibility needed to provide parking on site in accordance with the ordinance requirements.



consultants in planning, zoning, economic development,
urban design & landscape architecture

To: City of Keene
From: Camiros
Re: Downtown Subdistricts Summary Table
Date: March 5, 2019

The Downtown Subdistricts Summary Table has been expanded per discussion with City Staff. Please note additional rows have been included (*Red italics*) to reflect additional subdistricts that the City may wish to consider, particularly in light of points of discussion outlined in the accompanying memo dated March 5, 2019 (Downtown Subdistricts Discussion).

Sub-districts Summary Table.

<i>Sub-district Description</i>	<i>Setbacks</i>	<i>Height (Stories)</i>	<i>Parking Location</i>	<i>Current Zoning Districts Included (as mapped)</i>	<i>Proposed Mix of Uses Permitted</i>
Downtown Core. The heart of downtown Keene. Accommodates the most intense development within downtown, including commercial, residential, civic, cultural and open space uses in a highly walkable, vertically and horizontally mixed-use environment.	0-5'	Min. 2 Max. 7	Rear	Central Business Central Business Limited	Multi-Family Commercial + Mixed Use (Retail/Service/Restaurant/Office)
Downtown Growth. Accommodates the reuse of existing structures, as well as new construction of significant size, providing flexibility in both physical form and permitted uses to facilitate the creation of a mixed-use environment that encourages both growth and infill that complements the walkable, urban form of the Downtown Core.	0-15'	Min. 2 Max. 7	Rear	Central Business Central Business Limited Commerce High Density Industrial	Multi-Family Commercial + Mixed Use (Retail/Service/Restaurant/Office) Light Industrial

Sub-district Description	Setbacks	Height (Stories)	Parking Location	Current Zoning Districts Included (as mapped)	Proposed Mix of Uses Permitted
Commercial Edge. Accommodates a variety of moderately intense commercial development at the edges of downtown Keene, transitioning into lower intensity commercial or residential development. Such development may be more auto-oriented in nature.	0-15'	Max. 3	Rear <i>(Side, Front)</i>	Central Business Central Business Limited Commerce High Density	Single-Family Multi-Family General Commercial (Retail/Service/Restaurant/Office)
Residential Transition. Accommodates a variety of residential, open space, and low intensity commercial uses in a mixed-use environment of attached and detached structures that complement and transition into adjacent existing neighborhoods.	10-20'	Max. 3	Rear <i>(Side)</i>	Office High Density Residential Preservation Central Business (3 Parcels)	Single-Family Multi-Family Low Intensity Commercial (Office, Limited Retail, Limited Service)
<i>Downtown Limited. Would accommodate areas north of Central Square (Vernon/Mechanic), allowing for a low-intensity or limited mixture of uses in lower structures, close to the street transitioning northward.</i>	<i>TBD</i>				
<i>Neighborhood Redevelopment. Would accommodate a mixture of uses and development forms in line with the City's vision for neighborhoods tucked-in near KSC (Blake Street, Willow Street). Potentially higher-density multi-family redevelopment.</i>	<i>TBD</i>				
<i>Institutional/Campus. Would accommodate the form of Keene State College, allowing for incorporation into the downtown zoning in a manner acknowledging the Campus' relationship to the remainder of the downtown.</i>	<i>TBD</i>				