

**13(I) Ordinance**

**PREAMBLE** - Historically, Canterbury's Center Historic District and the Shaker Historic Overlay District have been the sites of religious, social, cultural, agricultural, and business activities. The Center Historic District, while comprised of buildings from the 18<sup>th</sup>, 19<sup>th</sup>, and 20<sup>th</sup> centuries, still maintains the feel and style of a rural New England village. Similarly, Shaker Village retains much of its original 18<sup>th</sup> and 19<sup>th</sup> century architecture and site improvements. Both Districts serve as a vital link to the history of Canterbury and the following Ordinance and Regulations are intended to preserve and retain these important resources for generations to come.

## 13 (I) Ordinance

### ARTICLE 13

#### HISTORIC DISTRICT ORDINANCE

##### 13.0 GRANT OF POWER

Pursuant to RSAs 673-677 the Town of Canterbury, New Hampshire, adopts this document hereby known as the Historic District Ordinance.

##### 13.1 PURPOSE

The purposes of this ordinance are to:

- A. Recognize and preserve those structures, sites and viewsapes within the Historic Districts, defined in this ordinance, which reflect the cultural, architectural, social and economic history of the Town of Canterbury.
- B. Promote the use of man-made and natural features within the Historic Districts for the education, welfare and enjoyment of the community.
- C. Foster public appreciation of and civic pride in the town's present day character and the accomplishments of its past.

##### 13.2 DISTRICT DESCRIPTIONS

The purpose of designating the Center Historic District is to preserve the visual character of the acknowledged center of our community; to protect and preserve the structures and features that document our shared heritage; to maintain the atmosphere of a rural village.

## CENTER DISTRICT

### DESCRIPTION

Beginning at the intersection of Old Tilton Road, Lamprey Road and Goodwin Road, thence running Easterly along the center line of Goodwin Road to the center line of (076/006) and Booth (069/003). Thence turning and running Southeasterly along the property line which divides the properties N/F of Matarozzo and Booth to a corner. Thence turning and running Southeasterly along the property line which divides the properties N/F of Matarozzo and Booth to a corner which is the common property corner N/F of Matarozzo, Booth and Geiger (070/000). Thence turning and running Southeasterly along the property line which divides the properties N/F of Matarozzo and Geiger to a corner which is the common property corner of Matarozzo, Booth (075/000) and Geiger.

Thence turning and running Southwesterly along the property line which divides the property N/F of Booth and Geiger to a corner which is the common property corner N/F of Geiger, Booth and Robinson (075/001). Thence turning and running Easterly along the property line which divides the property N/F of Booth and Robinson to a corner. Thence turning and running Southerly along the property line which divides the properties N/F of Booth and Robinson 200' +/- to a point, thence turning and running Easterly across the 50' ROW which is the property of Booth to a common property corner N/F of Booth and Mordarski (071/000). Thence running Easterly along the property line which divides the property N/F of Booth from Mordarski and Ernst (072/000) to a corner which is a common property corner N/F of Booth, Ernst and Blais (073/000). Thence turning and running Southeasterly along the property line which divides the property N/F of Ernst and Blais to a point at the intersection of Baptist Road. Thence running diagonally across Baptist Road to the common property corner N/F of the Spruces (060/000) and Piroso (059/001). Thence running Southeasterly along the property line which divides the property N/F of the Spruces and Piroso to a corner which is the common property corner N/F of the Spruces and Piroso to a corner which is the common property corner N/F of the Spruces, Piroso and Fifield (034/000). Thence turning and running Westerly along the property line which divides the properties N/F of Fifield, D. Parker (056/001) and C. Parker (056/000) from the properties N/F of the Spruces, Thornton (061/000), Laliberte (062/001) and Shaker Regional School (063/000) to a corner which is the common property corner N/F of Shaker Regional School, Peterson (054/000), and C. Parker. Thence turning and running Southeasterly along the property line which divides the property N/F of Peterson and C. Parker to a corner. Thence turning and running Southwesterly along the property line which divides the property N/F of Peterson and C. Parker to a corner at the intersection of Morrill Road. Thence turning and running Northwesterly along the Easterly side of Morrill Road along the property line N/F of Peterson, Brillhart (065/002) and Keeler (065/001) to a point at the intersection of Kimball Pond Road. Thence running diagonally across Kimball Pond Road to a corner which is the common property corner N/F of Fifield (033/001), Guertin Jr. (032/001) and Hildreth (037/000). Thence turning and running Westerly along the property line which divides the property N/F of Hildreth from the properties N/F of Guertin Jr., Guertin Sr. (032/000) and Streeter (034/000) to a corner which is the common



property corner N/F of Hildreth, Streeter, and W. Cochrane (035/000). Thence turning and running Northerly along the property line which divides the properties N/F of Streeier from W. Cochrane and T. Cochrane (035/001) to a corner at the center line of Center Road. Thence turning and running Easterly along the center line of Center Road to a point opposite the common property corner N/F of Desmarias (028/005) and Fowler (031/000). Thence turning and running Northeasterly along the property line which divides the properties of Desmarias and S. Cochrane (028/006, from Fowler, C. Nay (030/000), Sallah (030/002), and Mudge (029/000) to a corner at the center line of Old Tilton Road. Thence turning and running Southeasterly to the point of beginning.

## SHAKER HISTORIC OVERLAY DISTRICT

### PURPOSE

The purpose of the Shaker Historic Overlay District is to preserve and protect the historically important land and archeological resources relating to the Canterbury Shakers. This District shall be an overlay district with the use and dimensional requirements for land located within the overlay district determined according to the requirements of the underlying zoning district within which the property is located. The purpose of this district is to preserve and protect the tangible and nontangible characteristics of the Shaker land and buildings as modified by more than 200 years of the Shaker enterprise; the buildings in the Village core; archeological resources; and Shaker Pond area; the mill buildings; the prime agricultural land; forest land; and the scenic vistas to and from Shaker Village, as well as the approaches to the Shaker Village Museum Preservation District. It is particularly important to ensure that the property visible from the public ways within this district shall be developed in a way that is consistent with historic Shaker practices and does not diminish the special sense of place developed by the Canterbury Shakers.

### DESCRIPTION

Beginning at a corner on the East side of Shaker Road being the common property corner N/F of McCullough (036/000) and Curtis (036/001), thence running Easterly along the property line which divides the property N/F of McCullough and Curtis to a corner which is the common property corner of McCullough, Curtis, and T&G Meeh (037/002). Thence turning and running Northerly, Easterly, Northerly, Easterly to a corner which is the common property corner N/F of McCullough, T&G Meeh, and M. Meeh (037/000). Thence running Easterly along the property line which divides the property N/F of T&G Meeh and M. Meeh to a corner which is the common property corner N/F of T&G Meeh, M. Meeh and Oleson (011/000). Thence turning and running Southerly along the property line which divides the property N/F of Oleson and Dustin (049/000) from T&G Meeh and the Shakers (038/000) to a corner which is the common property corner N/F of Dustin and Shakers. Thence turning and running Westerly, Southerly, Easterly and Southerly to a point which is the common property corner N/F of Shakers, Dustin, and Gregory (047/000). Thence running Southerly along the property line which divides the property N/F of Shakers and Gregory to a corner at the center line of

Asby Road. Thence N 70 degrees 45 minutes E a distance of 338 feet, more or less, along the southerly side of Asby Road to a point where a rebar is set at land now or formerly of Arnold Alpert and Judith Elliot (045/000); then S 43 degrees 15 minutes E a distance of 298 feet, more or less, along said Alpert and Elliot land to a corner of stone walls; thence N 51 degrees 15 minutes E a distance of 103 feet, more or less, to an intersection of stone walls at the westerly side of Mudgett Hill Road; thence S 41 degrees 30 minutes E a distance of 380 feet, more or less, following a stone wall which runs along the westerly side of Mudgett Hill Road to a rebar set at land now or formerly of Joan LaPlante (044/000); thence S 73 degrees 30 minutes W a distance of 888 feet, more or less, along LaPlante land to a rock marked "A"; thence S 11 degrees 00 minutes E a distance of 1611 feet, more or less, along LaPlante land and land now or formerly of Kim and Melinda Bean (042/000) to an iron pipe at the Canterbury-Loudon Town Line; thence S 35 degrees 30 minutes W a distance of 1469 feet, more or less, along said Town Line and land now or formerly of William Crowley to an iron pipe, thence S 82 degrees 45 minutes W a distance of 1766 feet, more or less, along land now or formerly of Stephen and Betty Fifield (041/000) to a corner of stone walls at the easterly side of Old Shaker Road; thence N 09 degrees 00 minutes W a distance of 1714 feet, more or less, following a stone wall which runs along the easterly side of Old Shaker Road to a rebar. Thence turning and running Westerly along the property line which divides the property N/F of Shakers from Mitchell and Lamb (023/000) to a corner on the East side of Shaker Road which is the common property corner N/F of Lamb, Mitchell and Shakers. Thence turning and running Southerly along the property line which divides the property N/F of Shakers (027/001) and Mitchell to a corner which is the common property corner of Shakers and Mitchell, thence turning and running Westerly along the property line which divides the property of Shakers and Mitchell to a point at the intersection of Shaker Road. Thence running Westerly across Shaker Road along the property line which divides the property N/F of Shakers (027/000) and Abberton (005/000). Thence turning and running Northerly, Westerly, Northerly, Westerly along the property line which divides the property N/F of Shakers and Abberton to a corner which is the common property corner N/F of Shaker, Parnell (004/000), and Miller (003/000). Thence turning and running Northeasterly and Northwesterly along the property line which divides the property N/F of Shakers and Miller to a corner which is the common property corner N/F of Shakers, Miller and McCullough (003/002). Thence turning and running Easterly and Northerly along the property line which divides the property N/F of Shaker and McCullough to a corner at the center line of Shell Meeting House Road, thence turning and running Easterly to the point of beginning.

#### HISTORIC DISTRICT COMMISSION

The Historic District Commission shall be charged with the responsibility of administering this ordinance.

- A. The Commission shall consist of 5 members, one of whom shall be a member of the Board of Selectmen.
- B. Two alternates shall be appointed.



- C. All members and alternates shall be appointed by the Board of Selectmen.
- D. The term of office for all members shall be 3 years.

### 13.3 POWERS AND DUTIES

- A. The following activities within the Historic Districts shall be reviewed by the Historic Commission:
  - 1. Erection, alteration, repair, removal, relocation, or demolition of a building, structure or any visible feature thereof.
  - 2. Construction, reconstruction, repair or removal of stone walls or fencing.
  - 3. Grading or excavation on any site.
  - 4. Change or removal of any natural feature within the District.
  - 5. Any activity which might disturb a known or suspected archeological site.

The power of review shall be limited to those considerations which have an impact on the character and integrity of the District.

- B. The Historic District Commission shall not require review of the following:
  - 1. The ordinary maintenance and repair of any architectural feature which does not involve removal or a change in design, dimensions, materials or outer appearance of such features.
  - 2. Painting or repainting of buildings or structures.
- C. The Commission shall have the right to accept and use gifts, grants or contributions for the exercise of its function.
- D. The Commission may adopt and amend regulations and prepare amendments to this ordinance.

### 13.4 APPLICATION PROCEDURE

- A. An application, on forms established by the Historic District Commission, must be submitted to and approved by the Commission prior to the start of any activities listed herein as requiring review.

- B. An applicant shall be required to pay an application fee and legal notice fee as established by the Commission.
- C. The applicant shall include a narrative description of the project and graphic materials of sufficient clarity and detail to give the Commission a clear and certain understanding of the work contemplated and its consistency with the Historic District Ordinance and regulations.
- D. The applicant shall supply appropriate site plans, building plans, elevations, perspective sketches, photographs, building material samples or other information as may be required by the Commission to make its determination of approval or disapproval.
- E. In reviewing the application package the Commission may request reports and recommendations regarding the feasibility of the proposal from Town Boards or Officials and professional, educational, and other groups or persons who may profess information concerning the impact of the proposal on the Historic District.

#### 13.5 HEARINGS AND NOTICES

- A. The Historic District Commission shall conduct a public hearing on all applications.
- B. Written notice of the hearing date shall be given to the abutting property owners and the general public as required by law.
- C. The Commission shall issue a Certificate of Approval or Notice of Disapproval within 10 days of the hearing date unless the applicant shall agree to an extension in writing.
- D. Failure to render a decision within the time specified shall be deemed to constitute approval by the Commission.

#### 13.6 REVIEW CRITERIA

In making a determination on an application, the Commission shall take into account the purposes of this ordinance and consider, but not be limited to, the following:

- A. The historical, architectural, or cultural value of the subject structure(s) or landscape(s) and their relationship and contribution to the setting.
- B. The compatibility of exterior design, arrangement of elements, texture and materials proposed to be used in relationship to existing structures or features and their setting.

- C. Architectural features shall be repaired rather than replaced. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, texture, and other visual qualities.
- D. Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- E. In reviewing an application for demolition or removing a structure, the applicant shall secure approval and shall in good faith prepare a detailed plan for re-use of the vacated site which the Commission determines will meet the requirements for a Certificate of Approval.

#### 13.7 ENFORCEMENT

Enforcement of the provisions of this ordinance shall be made through the Zoning Ordinance of the Town of Canterbury. It is unlawful for any person to construct, alter, repair, move or demolish any structure or feature which lies within the Historic Districts without first obtaining a Certificate of Approval from the Historic District Commission.

#### 13.8 PENALTIES

Failure to comply with any provisions of this ordinance shall be deemed a violation and the violator shall be liable to a fine as specified in the Zoning Ordinance.

#### 13.9 APPEALS

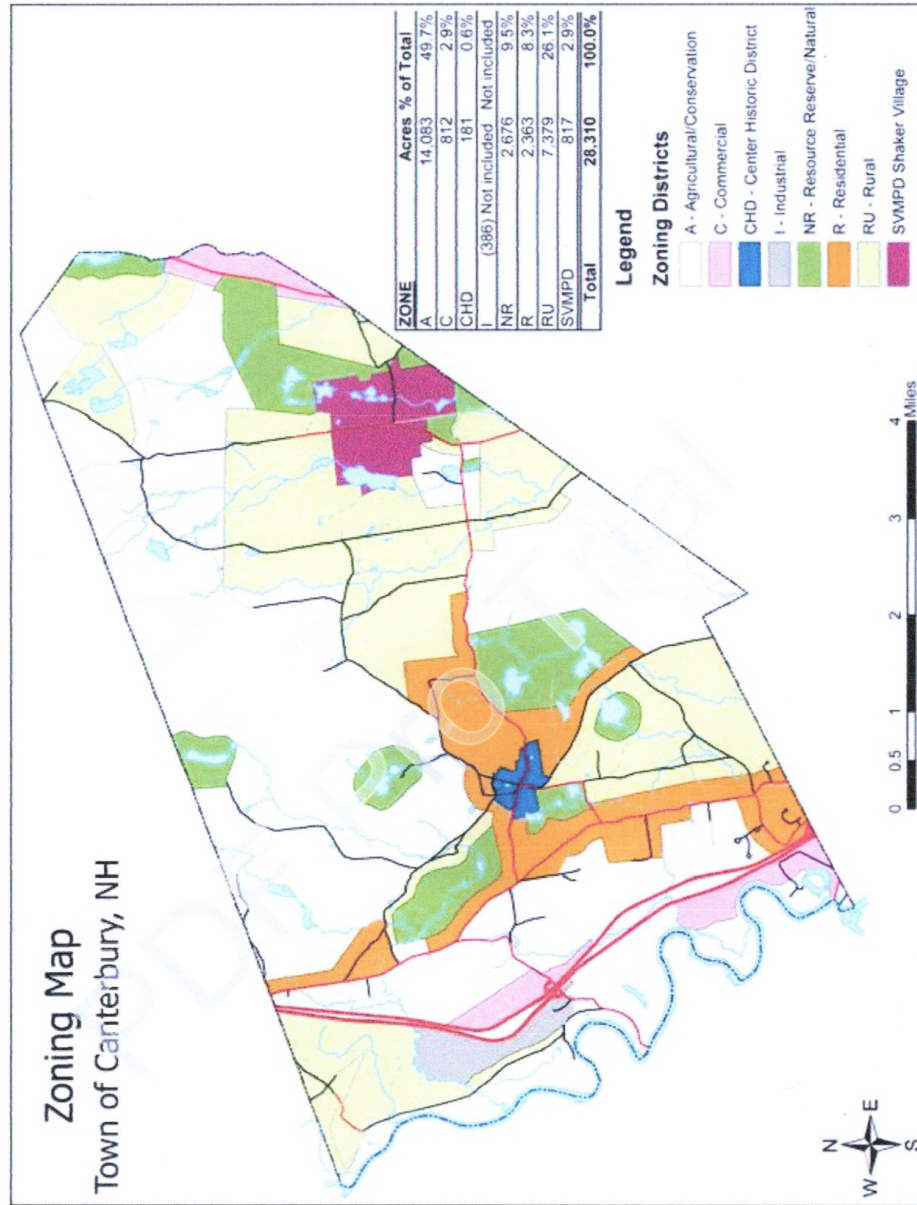
Any person or persons jointly or severally aggrieved by a decision of the Historic District Commission shall have a right to appeal that decision to the Zoning Board of Adjustment.

#### 13.10 INVALIDITY

The invalidity of any provision of this ordinance shall not affect the validity of any other provision.



Zoning Map Showing Boundaries of Center Historic District and Shaker Overlay District



## **13 (II) Historic District Regulations**

### **13 (II).0 Authority**

As stated in Article 13.0 the authority of the Historic District Commission derives from the adoption of the Ordinance, pursuant to RSAs 673-677. The adoption and amendment of regulations is authorized under Article 13.3 (D) of the Ordinance.

### **13(II).1 Purposes**

The purposes of the Ordinance and Regulations are to:

- A. guide construction, maintenance, and rehabilitation of property in the Town's two historic districts, defined in the Ordinance, so as to recognize and preserve those structures, sites, and views within the districts which reflect the historically important land, archeological structures, cultural, architectural, social, and economic history of the Town of Canterbury;
- B. maintain property values in the Town of Canterbury;
- C. promote the use of man-made and natural features within the districts for the education, welfare, and enjoyment of the community; and
- D. foster public appreciation of and civic pride in the Town's present day character and the accomplishments of the past.

### **13 (II).2 Location of Districts**

The location of the Center Historic District and Shaker Historic Overlay District are described in the Ordinance, Article 13.2, and designated on the Zoning Map of the Town of Canterbury, New Hampshire.

### **13 (II).3 Commission Membership**

**A. Members** - The Commission shall consist of five (5) regular members, one of whom shall be an *ex officio* member of the Board of Selectmen.

**B. Alternates** - Two (2) alternate members shall be appointed. Whenever a regular member is either absent or disqualifies himself or herself, the chairperson shall designate an alternate to vote in his or her place. When designated to vote, the alternate shall continue as a voting member until the end of the meeting and any subsequent meetings which considered the same issue.

**C. Appointment** - The *ex officio* member and all other regular and alternate members shall be appointed by the Board of Selectmen.

**D. Qualifications** - In determining each member's qualifications, the Board of Selectmen shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate, and promote the purposes of the Historic District Commission. To the extent that professionals in the following disciplines are available in the community, the Board of Selectmen should make a reasonable effort to appoint members from those professions: architectural history, archaeology, cultural anthropology, planning, real estate, and town historians. At least one of the members should be a resident in a Historic District and all members are required to be residents of the Town.

**E. Terms** - The term of the *ex officio* member shall coincide with the term for that office. The term of all other regular and alternate members shall be for three (3) years. The terms shall be staggered such that not more than two appointments occur in any given year.

**F. Vacancies** - The Board of Selectmen shall act within sixty days to fill a vacancy, including expired terms. Vacancies shall be filled as provided by RSA 673:12.

**G. Quorum** - A quorum of three members (regular or alternate) is required for any vote of the Commission.

### 13 (II).4 Powers and Duties

The Historic District Commission is charged with responsibility of administering the Ordinance. With regard to architectural style within the Center Historic District, the Commission will consider proposed construction within the site's existing contribution to the remaining historic integrity of the village. For proposed new construction, the architectural style will be limited to the style and proportions typical of rural New England structures constructed prior to 1900. Twentieth century styles such as ranch, split level, chalet, etc. will not be permitted. Renovation and expansion to existing structures will be considered with regard to the scale of the improvement relative to the existing structure, the style and age of the existing structure, and the proximity and style and age of nearby existing structures.

**A. Regulated Activities** - It is unlawful for any person to construct, alter, move, or demolish any building, structure, or visible feature which lies within a Historic District without first obtaining a certificate of approval from the Historic District Commission.

**B. Activities Requiring Review** - The following activities within the Historic Districts shall be reviewed by the Historic Commission:

1. Erection, alteration, repair, removal, relocation, or demolition of a building, structure, or any visible feature thereon;
2. Construction, reconstruction, repair or removal of stone walls or fencing;
3. Grading or excavation on any site;
4. Change or removal of any natural feature including trees and natural vegetation within the District, not including removal of invasive species and ongoing ordinary maintenance of trees and vegetation (pruning and removal due to disease); and
5. Any activity which might disturb a known or suspected archeological site.

The power of review shall be limited to those considerations which have an impact on the character and integrity of the District.

**C. Activities Not Requiring Review** - The Historic District Commission shall not require review of the following:

1. The ordinary maintenance and repair of any architectural feature which does not involve removal or a change in the design, dimensions, materials, or outer appearance of such features;
2. The routine maintenance of natural features including trees and natural vegetation, including the removal of invasive species, removal of dead trees, and regular pruning; and
3. Painting or repainting of buildings or structures.

**D. Acceptance of Gifts, Grants, and Contributions and Public Education**- The Commission is authorized to accept gifts, grants, and contributions in the furtherance of its duties and responsibilities. The Commission may sponsor and conduct public educational programs in meeting the purposes of this Ordinance.

**E. Authority to Adopt and Amend Regulations and Guidelines** - The Commission, after notice and public hearing, may adopt and amend regulations and guidelines regarding its procedures for hearing and reviewing applications as deemed necessary by the Commission to comply with the purposes of this Ordinance.



## (II).5 Review Criteria

In making a determination on an application, the Commission shall take into account the purposes of this article and consider, but not be limited to, the following:

**A. Historical, architectural, or cultural value.** The historical, architectural, or cultural value of the subject building(s), structure, landscape(s), and their contribution to the setting.

**B. Compatibility.** The compatibility of the exterior design, arrangement of the elements, texture, and material proposed to be used in relationship to the architectural style original to the existing structures in the district.

**C. Scale and Size.** The scale and general size of the new construction and renovations in relation to existing surroundings with consideration of such factors as height, width, street frontage, number of stories, roof type, facade openings, and architectural detail.

**D. Other factors.** Other factors, including yards, off-street parking, screening, fencing, entrance drives, sidewalks, signs, lights, and /or landscaping which might effect the character of any building or structures within the district and similar factors which relate to the setting for such structure or grouping of structures.

**E. Project Impact.** Impact that the applicant's proposal will have on abutters, streetscape, visibility from the public way, and setting and the extent to which it will preserve and enhance the historical, architectural, and cultural qualities of the district and community in perpetuity.

**F. Compatible use.** Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, site, and its environment, or to use a property for its originally intended purpose.

**G. Preservation.** The distinguishing original qualities or character of a building, structure, site, and its environment shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when possible.

**H. Alterations.** All buildings structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

**I. Appropriate changes.** Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, site, and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

**J. Stylistic features and examples of skilled craftsmanship.** Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

### **K. Restoration vs. Replacement.**

1. Deteriorated architectural features shall be repaired rather than replaced, whenever possible.
2. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture, and other visual qualities.
3. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

**L. Cleaning.** The surface cleaning of structures shall be undertaken with the gentlest means possible. Sand blasting and other cleaning methods that will damage the historical building material shall not be undertaken.

**M. Preservation of archaeological resources.** Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

**N. Contemporary design.** Contemporary design for alterations and additions to existing properties shall not be discourage when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

**O. Additions or alterations.** Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were removed in the future, the essential form and integrity of the original structure would be unimpaired.

### **13 (II).6 Maintenance, Demolition, or Relocation of Buildings or Other Structures.**

**A. Maintenance** - Owners of all buildings within the Historic Districts shall provide sufficient maintenance to keep such buildings from falling into a state of disrepair.

1. Owners shall therefore be responsible for taking at least the minimum steps necessary to prevent the deterioration of the components which could cause an unsafe condition or detrimental effect upon the character of the Historic District or which could lead to a later claim that deterioration has become so advanced that demolition or removal of the architectural features is necessary.
2. In cases where deterioration has already progressed to an advanced state and where immediate removal is requested by the owner, the standard for review of demolition contained in the U.S. Secretary of the Interior's Standards for Rehabilitation shall be applied. In all cases, where at all applicable, nonstructural architectural features shall be repaired. In situations where it is impracticable to repair these features or prohibitively expensive to replicate them, a reasonable attempt to find a party interested in their salvage shall be made.

**B. Relocation** - Buildings should be retained on their present site whenever possible. Relocation should be considered only as an alternative to demolition.

**C. Demolition** - Buildings shall not be demolished or removed from their present sites except for good cause shown. Applicants shall have made a reasonable effort to maintain the existing structure on the existing site. Demolition of any building or any part of a building should be of last resort and all historically significant structures should be carefully evaluated for alternative solutions. Applications for demolition, relocation, or reuse shall only be granted upon a showing by the applicant that to deny such certificate would result in hardship unique to the property in question and that such hardship is not common to the neighboring properties within the district or neighborhood. If no alternative to demolition is found, the Historic District Commission shall authorize the issuance of a demolition permit if the following requirements are met:

1. Demolition requests based on structural instability, safety, or hardship must include a technical report prepared by a professional engineer registered in the State of New Hampshire which demonstrates that the building or structure is a present risk to public health, safety, and welfare. The report shall include the costs of rehabilitation of the structure and evidence that the existing building is incapable of producing a reasonable economic return on the investment or whereas the cost exceeds a reasonable end-result value.
2. It is the burden of the applicant to demonstrate that no feasible alternative to demolition, including rehabilitation, preservation, or relocation exists.
3. The demolition site shall be secured from potential public safety and health risks. All EPA environmental standards shall be met as they relate to the demolition.
4. The BOS may request the posting of a performance bond by the applicant to ensure that all proposed work and conditions of approval, including specified time frames, are met and the cost of such bond shall be paid by the applicant.
5. Every reasonable effort shall be made to salvage all valuable artifacts and materials to the satisfaction of the Commission.
6. The structure's elevations and architectural features are documented in measured drawings and photographs, as outlined in the NH Division of Historical Resources' NH Individual Inventory Form.

7. Applications for demolition shall include concept plans for the re-use of the site after demolition including elevations of any new construction and landscaping and demonstrate that the concept plans for the site will be compatible with the historic, architectural, and cultural values of the buildings and structures immediately adjacent to the site. No permit for demolition shall be granted until all plans for future use and development of the site have been filed with the Code Enforcement Officer and Commission and have been found to comply with all laws pertaining to the issuance of a building permit. All approvals necessary for the issuance of such building permit, including without limitation, any necessary zoning variances or special permits must be granted and all appeal periods from the granting of such approvals must be concluded prior to the issuance of a demolition permit. For structures designated as a non-contributory resource or incompatible resource, the applicant must submit concept plans for the re-use of the site after demolition.

8. Recommendations may be obtained from the Planning Board, Fire Chief, Code Enforcement Officer or other administrative officials of the Town of Canterbury as deemed necessary.

### **13 (III) Application, Fees, and Notices**

**13 (III).1 Application** The following application form shall be completed in accordance with the regulations and guidelines specified in this section for all “Applications for Approval” covered by the Ordinance.

Draft



(Revision (4/23))

**Glossary**  
**(Printed on reverse side of application)**

**Existing structure** - A primary or accessory building or site improvement intended to improve the function, utility, or appeal of a property.

**Natural features** - A property's general and/or specific attributes including soils, minerals, topography, silviculture, vegetation, drainage, and water courses which are part of a site's landscape characteristics.

**Archaeological site** - Location of material cultural remains of past human life and activities (fossils, relics, artifacts, and monuments).

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**A. Application Form** - All applications for review shall be filed with the Town Code Enforcement Officer on forms approved by the Historic District Commission. The application form shall specify the content of a narrative description of the proposed project and list any required plans, photographs, sketches, and building material descriptions to be included with the application. Commission review shall not begin until all required forms and plans have been received and accepted by the Code Enforcement Officer and submitted to the Commission. The content of the application shall include the following:

**Project Description** - A brief narrative description of the proposed project describing who will perform the work, the project time frame, and the scope of the project.

<b>Site Plan</b> - 1/4" scaled plans showing the footprint of the existing and proposed construction, boundaries, setbacks, circulation, and landscaping (existing/proposed)
<b>Architectural details</b> - 1/4" scale plans and sketches (as applicable): including but not limited to windows, doors, moldings and trim, railings, masonry, brackets, shutters, etc.
<b>Materials description</b> - specification sheets and/or samples of proposed building materials
<b>Photographs</b> - dated photographs of existing buildings and site suitable for recording

**B. Filing Fees** - All applicants shall be required to pay the applicable filing fees and legal notice fees as established by the Commission, unless the Commission grants a waiver for a public hearing.

**C. Additional Assistance** - In reviewing the application package, the Commission may request reports and recommendations regarding the feasibility of the proposal from Town Board or Officials and professional, education, and other groups or persons who may possess information concerning the impact of the proposal on the Historic District.

**13 (III).2 Hearings, Notices, Decisions, and Appeals** - Upon receipt of the completed application and supporting documents from the Code Enforcement Officer, the Commission shall schedule a public hearing.

**A. Hearing** - The public hearing shall be scheduled within 21 days of receipt of the completed application.

**B. Notice** - Notice of the hearing shall be given to all abutting property owners and the general public as required by law.

**C. Decisions** -The Commission shall issue a Certificate of Approval or Notice of Denial within 10 days of the final hearing on the application, unless the applicant agrees to extending the deadline in writing.

**D. Failure to Render Decision** - Failure to render a decision within the specified time shall be deemed to constitute approval by the Commission.

**E. Commencement of Work** - The applicant shall wait until twenty days (20) or other applicable appeal period has expired after the date the Certificate of Approval is granted by the Commission before commencing work. Upon commencement of work, the applicant shall promptly and diligently pursue completion of the work approved. Work done under the Certificate of Approval shall commence within one (1) year from the issuance of the Certificate of Approval, unless otherwise authorized by the Commission.

**F. Completion of Work** - Work done under a Certificate of Approval shall be completed within one (1) year from the commencement of work unless otherwise authorized by the Commission.

**G. Modifications** - Modifications to an application must be approved by the Commission at a regular public hearing. In the event that an unanticipated modification is discovered to be necessary during the building process, the Code Enforcement Officer may allow a reasonable substitution in design or materials, in consultation with the Chair of the Commission. The applicant shall then immediately file an amended plan with the Commission. Any unapproved deviation from the approved application, including any special conditions, shall render the application and approval null and void.

**H. Extensions** - The Commission shall have the option of extending the term of the approval for an additional period of one (1) year upon receipt of an application for extension and good cause shown. When an applicant submits a new application prior to completion of an outstanding Certificate of Approval, the Commission prior to considering the new application may require a showing of good cause for an unreasonable delay found by the Commission regarding the original approval.



**I. Revocation** - If substantial completion of the approved work is not undertaken within one year from the issuance of the Certificate of Approval, the Commission may declare the approval abandoned and revoke the approval.

**J. Inspections** - Inspections of the approved project, including any special conditions set forth in the Certificate of Approval, shall be completed by the Code Enforcement Officer and a member of the Commission, pursuant to the Certificate of Approval.

**K. Appeals** - Any person jointly or severally aggrieved by a decision of the Commission shall have the right to appeal the decision to the Zoning Board of Adjustment.

**L. Invalidity** - Invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

### **13 (III).3 Administration, Enforcement, and Penalties**

**A. Administration** - The Code Enforcement Officer for the Town of Canterbury shall be the duly authorized person charged with administration of this Ordinance, including enforcing the policies, guidelines, and decisions of the Commission.

**B. Enforcement** - Enforcement of the provisions of the Ordinance shall be made through the Zoning Ordinance of the Town of Canterbury. It is unlawful for any person to construct, alter, repair, move or demolish any structured or feature which lies within the Historic Districts without first obtaining a Certificate of Approval from the Historic District Commission.

The Code Enforcement Officer in consultation with the Commission, is specifically authorized to institute any actions and proceedings as either of them may deem necessary and appropriate to obtain compliance with the requirements of this Ordinance or to prevent a threatened violation thereof.

1. Any owner of a building that is demolished without first obtaining a Demolition Permit in accordance with the provisions of this Ordinance shall be subject to a penalty of \$100 (one hundred dollars) per day. Each day the violation exists until a faithful restoration of the demolished building or other remediation plan has been approved by the Commission shall constitute a separate offense. The Building Inspector may enforce this section by noncriminal disposition as provided by statute.

2. If a building is voluntarily demolished without first obtaining a Demolition Permit, no building permit authorizing construction on the lot on which the building was located or on any adjoining lot under common ownership therewith shall be issued for a period of two (2) years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership or control, unless the building permit is for the faithful restoration of the significant building or unless otherwise agreed to by the Commission.

**C. Penalties** - Failure to comply with any provisions of these regulations or the Ordinance shall be deemed a violation and the violator shall be liable to fines as specified in the Zoning Ordinance.

## 13 (IV). Guidelines

**13 (IV).1 Guidelines** While the following guidelines identify specific materials, new construction techniques and materials will be considered on a case by case basis consistent with their compatibility with the review criteria.

A. **Siding** - siding for primary structures shall be of wood shingles, wood clapboards, or brick. On outbuildings not attached to the primary structure, vertical boards or board and batten siding in addition to the above mentioned materials may be used.

B. **Windows** - arrangement of windows shall be compatible with that of the structure's design period. Windows shall be laid out and proportioned properly to fit the style of the structure of the period it is emulating.

C. **Storm windows and doors** - Wood and glass storm windows and doors are preferable. Storm windows and doors of other materials are acceptable as long as they are color compatible with the trim color.

D. **Shutters**: Shutters and hardware shall be architecturally consistent with the design period of the structure.

E. **Doors**: The size and style of the doors shall conform to the structure's design period. Doors shall be made of or appear to be made of wood. Sliding glass doors visible from the road will not be allowed.

F. **Roofs**: Roof lines shall have a proportion and style compatible with the structure's design period. Roof surfaces of the main structure shall be natural wood (see fire code), composition shingles, standing seam metal, slate, or a composition sheet roofing. Alternate roof designs will be considered on an individual basis. The Commission shall be consulted as to color, type, and size of any new roofing material.

G. **Chimneys**: Chimneys shall be red brick, brick faced, stuccoed, or stone masonry proportional to the structure. (Delete remainder of text.)

H. **Foundations**: Foundations shall be granite, granite faced, brick faced, finished concrete, or trowel faced cinder block. Foundations visible from the road shall not exceed 15" in height from the top of the ground to the bottom of siding unless faced with granite, brick, or stone.

I. **Garages**: Garages shall be of a style consistent with the primary habitable structure on the property, i.e., roof lines, window styles, siding materials, and styling. Overhead garage doors shall be made or appear to be made of wood.

J. **Barns**: Barns shall be architecturally consistent with the design period of the primary structure.

K. **Sheds and Outbuildings**: Sheds and outbuildings shall be of a style, design, and similar structural materials as the primary structures on the lot. Metal or prefabricated sheds are permissible if not visible from the road. Metal corrugated roofing permitted on outbuildings only.

L. **Solar Panels**: The Commission shall be consulted regarding the location and installation of solar panels concerning their visibility from the road and the feasibility of alternate placement.

M. **Dormers**: Dormers visible from the road should maintain a traditional style accommodating single, double sash windows. The dormers should be gable ended and marrow, approximating the width of the sash. Dormers on the rear sides of structures (the side not easily visible from the road) may be shed dormers, but shall not extend any closer than 16 inches from the gable end of the structure. In addition, the face of the shed dormer will be set back from the line of the main rear wall of the building. The intent is to break the vertical lines of the building.

N. **Additions**: Maintain proportions, window and trim treatments, ornamentation or look thereof to create a balanced effect with the original structure. The design should endeavor to create a harmony, so as to make the addition look as though it has always been there.

**O. Decks and Porches:** Porches should be designed and detailed to appear compatible with the house to which they are attached. Porch and railing posts should be of an appropriate traditional style. No modern “pressure-treated” lumber should be left exposed. It may be used, but must be painted or otherwise covered. Railings should be constructed in a traditional “post - to-post” system. Skirting under decks or porches should also be traditional style. If lattice is used, it should have a closely spaced squares (not more than 3" spacing), and should be trimmed in a solid material on all sides. It can be installed either horizontally or diagonally. Since decks were not a typical accessory structure to older homes, it would be preferable to have them located towards the back side of homes, where they are not visible from the public way.

**P. Fences and Walls:** Shall be no higher than 4 feet and made of wood or stone if visible from a public way. Dry stone walls are acceptable along roads and property boundaries. HDC approval must be obtained prior to any modification of an existing stone wall, other than for routine maintenance or restoration. Construction of any new walls or fencing, including retaining walls, requires the approval of the HDC. All new walls and fences should be consistent with any existing walls or fences associated with the primary structure, in both design and materials. Fencing associated with the primary structure shall be painted or stained, including pressure treated fencing. Livestock fencing is permitted, where necessary to confine animals, painting or staining of livestock fencing is preferred but not required.

**Q. Satellite Dishes and Antennas:** The Commission shall consult regarding the location and installation of satellite dishes and antennas, their visibility from the public way, and the feasibility of alternative placement.

**R. Signs:** On and off-site signage cannot be internally lighted, flashing, or neon and must be of a size and style in keeping with the signage within the district and prescribed by zoning. Contractor signs are permitted during the period of work on the property.

**S. Outdoor Lighting:** Lighting should be complementary to the style of the primary structure. Down lighting is recommended and no bare light bulbs may be used except if correct for a period fixture. The size and style of light fixtures must be consistent with those in the location and setting. While flood and spot lighting is discouraged, security lighting may be used so long as it does not affect the abutters or impact the public way. Historic lighting methods are allowed as long as they do not present a fire hazard.

**T. Steps and Walks:** Exterior steps, patios, walkways, and curbing shall be of stone, brick, or wood and should be architecturally consistent with the period of the primary structure. Stone is the preferred material for curbing; however, other materials will be considered on a case by case basis.

**U. Septic systems:** Septic systems shall be unobtrusive and all vent pipes must be concealed by plantings or other appropriate means.

**V. Recreational Facilities:** Recreational facilities (tennis courts, swimming pools, etc.) will be considered upon application with the primary consideration given to the visual impact, landscaping, type of fencing, height of the fencing, and the compatibility of the facilities with the adjacent buildings.

**W. Driveways:** Driveways shall be gravel, crushed rock, or asphalt, with preference given to permeable surfaces.

**X. Removal of Mature Trees :** Dying, decaying, or diseased mature trees require a Certificate of Approval for removal since this determination is highly judgmental and may require expert opinion. In making such a determination, the Commission may at its sole discretion seek the advice of the Canterbury Conservation Commission, and/or a qualified arborist.

For the purposes of this provision “mature trees” shall be defined as any tree that contributes to the character of the district and that exceeds fifteen inches (15") in diameter at a height of 4" above grade and is located between the street and the rear of the main building on the property and/or provides a canopy to the street. In cases where the tree is being removed because it is dead, dying, diseased, damaged, or decayed, replacement of the tree with a native species that will grow to the same size as the one being removed is encouraged. If a tree is nearing the end of its life, planting a replacement tree prior to the removal of the tree is encouraged to maintain the streetscape.



**Amendment to be Proposed for 2024 Warrant Article**

13 (IV).2 Waivers (Note the discussion and conclusions as to the benefits and appropriateness of granting hearing waivers in selected cases contradicts Article 13.5 (A) which requires a public hearing for “all applications”. Therefore an amendment to the current Ordinance is required before granting a waiver is permitted. The most appropriate placement would be on Page 16 of the Regulations under Hearings, Notices, Decisions, and Appeals and amending Section 13.5(A) of the Ordinance.

(A) Hearing (proposed amendment to existing Ordinance)

1. The Historic District Commission shall conduct a public hearing on all applications except when an application is submitted which is not contrary to the spirit of the Ordinance, does not impact any abutter, and is not visible from a public way. In these instances, the Chair of the HDC in consultation with the BOS representative to the Commission may waive the required public hearing. Before granting a hearing waiver, the application, with all required information “and filing fee” deleted, must be received and approved for completeness. The granting of a hearing waiver does not relieve the applicant from meeting all other provisions of the regulations, but exempts the applicant from the payment of filing fees and abutter notification requirements. An administrative fee for processing the application may be imposed.

Revision (4/23)

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