

## **Article 102: HISTORIC DISTRICT**

(Adopted 03/07/1972; Amended 03/10/2009, 03/08/2011, 03/13/2012,  
03/11/2014, 03/14/2017, 03/12/19, 03/14/2023)

### **102.1 PURPOSE AND AUTHORITY**

For the purpose of preserving the historical and architectural heritage of the Town of Kingston, two Historic Districts are hereby established in conformance with Chapters 674 and 675 of the N.H. Revised Statutes Annotated, and all subsequent amendments thereto. The Selectmen shall appoint an Historic District Commission (HDC) with the powers and duties stated herein. The commission shall establish such rules as are necessary to accomplish the purpose of this article.

### **102.2 HISTORIC DISTRICT I**

This Historic District shall include the area shown on the zoning map as filed with the Town Clerk and described as follows: From Route 125 southerly along Main Street to the southernmost point of the Kingston Plains. The Historic District shall include the area on both sides of Main Street to a distance of 350 feet from the center lines of said street and adjacent portions of streets that intersect Main Street

- \* On Church Street, the District shall go northwest on both sides of the street to a depth of 350 feet for approximately 1,275 feet to the further boundary of the Sanborn Regional High School property. All Sanborn Regional School District property fronting on Main Street (excepting athletic field on Chase and Church Streets) shall be in the Historic District. The Historic District shall also include the Kingston Plains Cemetery and properties on Depot Road adjacent thereto. Properties whose frontage lies partially within the District, shall be considered within the District. To eliminate confusion, the following lots have frontage in Historic District I and therefore zoned as completely Historic District I:

Tax Map U-8: 12, 13, 14, 15, 16, 17

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\* As a result of Enhanced 9-1-1 service Main Street West became Main Street and Little River Road West became Farm Road.

Tax Map U-9: 1, 2, 3, 4, 12, 13, 25, 26, 27, 28, 40, 41, 44, 45, 46, 47, 48, 49, 50

Tax Map U-10: 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 36, 37, 38, 39, 40, 41, 42, 43

Tax Map U-11: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14. Kingston State Park will be entirely zoned Historic District I.

Tax Map R-30: 1

Tax Map R-34: 19, 22, 24, 32, 35, 38, 39, 70, 71, 71B, 72, 74, 75, 76, 77

### **102.3 HISTORIC DISTRICT II**

The Historic District II to include Alma Avenue from a line at the center of the road extending back 150 feet on both sides of said line; Little River Road, from a line at the center of the road, extending back 300 feet on both sides of said line, starting at a line 150 feet Southwest of Alma Avenue and running Northeast, stopping at the East side of the second bridge; Farm Road\* from a line at the center of the road extending back 300 feet on both sides from said line, starting at Little River Road and running West for 1,350 feet. Properties whose frontage lies partially within the District, shall be considered within the District, to the distance from the center line as described above. To eliminate confusion, the following lots have frontage in Historic District II and are therefore zoned as completely Historic District II:

Tax Map R-35: 1, 2

Tax Map R-39: 2, 2A, 3, 3A, 3B, 5, 5A, 6, 6A, 7, 7A, 8, 9, 10, 11-1, 11-2, 11-3, 13, 13A, 17, 18, 19, 39, 40, 40A, 41

### **102.4 MOBILE HOMES** will not be permitted in the Historic Districts.

### **102.5 DESCRIPTION AND PERMITTED USES**

**A. Historic District I** is an integrated area of mixed uses being predominately residential with small retail businesses for convenience shopping. The area also contains a variety of public buildings serving religious and civic functions, dining facilities, customary home occupations, traditional home arts and crafts, gardening, domestic animal raising and service professions. The area is characterized from its general appearance along the Plains as typical of a small New England village containing many fine

examples of colonial architecture as well as a mix of other architectural types.

1. In this District, the following uses will be permitted in a manner not inconsistent with the character of the District:
    - a. Residences;
    - b. Retail stores principally designed to serve shoppers from the community. The HDC may approve retail stores of 1,500 feet or less. Public Hearings must be advertised and held for requests, for retail areas greater than 1,500 sq. ft.;
    - c. Animal Clinics;
    - d. Restaurants;
    - e. Apothecaries;
    - f. Service Offices such as real estate brokers, doctors, lawyers or dentists;
    - g. Churches and church related accessory buildings;
    - h. Civic buildings and Lyceums; and
    - i. Schools and Government Buildings.
    - j. Bed and Breakfasts (see requirements in Section 904, Site Plan Review Regulations)
    - k. Inns (see requirements in Section 904, Site Plan Review Regulations)
    - l. Agriculture, farms, farming (*added 03/12/19*)
  2. Every building lot in Historic District I that has a dwelling thereon shall not have more than one additional structure for use as permitted in accordance with Article 102.5.
  3. Every building lot in Historic District I that has a dwelling thereon shall not have more than one business activity as permitted in accordance with Article 102.5, such as one restaurant, or one doctor's office, or one real estate office, etc.
- B. Historic District II** is a residential area containing some fine old homes. This area is zoned Single Family Residential Agricultural and uses will be permitted in accordance with the Kingston Zoning Ordinances and in conformance with Historic District Ordinances.

## 102.6 KINGSTON HISTORIC DISTRICT SIGN ORDINANCE

**A. Goals and Standards:** The goals and standards of the Kingston Historic District Commission, in reviewing and approving applications for signs, as well as in considering requests for exceptions in special cases under Section 1400 shall be:

1. to insure that the visual impact of all signs shall be consistent with the historical and architectural qualities of the Historic Districts as a whole;
2. to promote the general visual attractiveness of the Historic Districts;
3. to encourage signs with names of businesses, business owners or proprietors rather than trade marks and product names;
4. to follow all other goals and standards consistent with RSA 31:89 f.

**B. Sign Application Procedure:** All signs erected within the Historic Districts shall require a certificate of approval from the Historic District Commission.

**C. Specific Provisions:**

1. Size and Location
  - a. All signs must meet requirements for size and location as stated in the Zoning and Building Codes of the Town of Kingston.
  - b. A parallel sign can project no more than ten (10) inches from the building surface.
  - c. No sign may project from a building surface more than three (3) feet.
  - d. Free-standing signs on permanent posts will be allowed.
2. Materials: Materials used in construction of these signs shall be consistent with the character of the Historic Districts.
3. Lettering: Lettering shall be appropriate to the character of the Historic Districts.
4. Illumination: Signs shall be externally illuminated only by steady, stationary, shielded light sources directed solely at the sign without causing glare for motorists, pedestrians or neighboring premises.
5. Animated, moving and trailer-type portable electric temporary signs shall be prohibited.

6. Permanent window signs may not take up more than ten (10) percent of the window area.
  7. Illumination of free standing signs in Historic District 1 and 2 shall be permitted from the hours of 7:00 AM to 10:00 PM except that this time restriction shall not apply to the illuminated signs of emergency facilities and retail and commercial establishments during such hours as the establishments are lawfully open to the public.
- D. Signs within the Historic Districts shall be reasonably maintained, and repaired within ninety (90) days from the date of request from the Historic District Commission.
- E. Existing Signs: All signs lawfully in existence at the time of adoption of this ordinance may continue in existence and may be maintained, but shall not be replaced, altered or moved unless they be made to comply with the provisions of this ordinance.

## **102.7 CERTIFICATE OF APPROVAL**

Any person wishing to construct, alter, move, demolish or otherwise change the exterior appearance of a structure within the Districts or construct a new structure within the Districts or institute a new use or enlarge an existing use of land or buildings within the Districts must file an application, and obtain a certificate of approval from the Historic District Commission before any other building permits, otherwise required by the Town, are obtained. Necessary forms and procedure guideline may be obtained from the clerk at the Town Hall. Nothing in this ordinance shall be construed to prevent ordinary maintenance and repair of structures in the Historic District.

## **102.8 PROCEDURE**

Upon obtaining an application, the applicant should supply the information relative to such application as may be required by the Historic District Commission (from time to time). No building permit shall be issued for any work proposed to be done in the Historic District until the Commission has approved the application. The Commission shall make a decision within 45 days of receipt of application and failure to do so will be deemed to constitute an approval by the Commission. Within said period, the Commission shall:

- A. Determine that the application is of no interest to the purpose of the Historic Districts or that the proposal is harmonious with the purpose of the Districts and so notify the applicant, or
- B. Determine that the application represents a proposal that is in conflict with the purposes of the Historic Districts and schedule a meeting with the applicant.
- C. The Commission shall promptly notify the applicant and the Selectmen of its decision.

## **102.8 PUBLIC HEARINGS**

Both the Commission and the applicant or each of them shall have the right to call for a public hearing on the proposal. Notice of said hearings shall be posted at least ten (10) days in advance in a newspaper of general circulation and in at least three (3) public places, the cost of said posting to be borne by the applicant. Notice to abutting and adjacent property owners shall be sent by registered mail. Testimony shall be received from any party desiring to participate.

## **102.9 GUIDELINES**

In considering appropriateness of an application, the Commission shall consider, among other things:

When making a determination on the application, reasons for denial of an application must be clearly documented and shall be factual and verifiable reasons for denial. Reasons for denial shall not be subjective or based on opinion or speculation. If the Historic District Commission or parties at the HDC application level other than the applicant requires expert testimony or documentation to support the denial, they cannot require the applicant be responsible for the generation or costs associated with such support of denial.

This shall not prohibit the Historic District Commission from making additional recommendations to an applicant that are in the spirit of the Historic District asking for voluntary compliance or participation.  
*(Added 03/14/2023)*

- A. The effect that the exterior facade of the building will have when viewed in relation to the surrounding buildings in the district.
- B. The change, if any, in the amount of noise, congestion and traffic that the proposed building or use will create in the district.
- C. Whether the proposal is of a design, or of materials, or for a purpose or use inconsistent with and detrimental or injurious to buildings and purposes or uses upon adjoining lands and whether such proposal is such that it will detract from the character and quiet dignity of the Kingston Historic District.

#### **102.10 DENIAL AND APPEAL**

In such cases as the Commission may deny an application, it shall supply the applicant and the Board of Adjustment with a letter citing the reasons for such denial. Any person aggrieved by a decision of the Commission may appeal to the Board of Adjustment.

#### **102.11 VIOLATIONS**

Upon information that the provisions of this ordinance are being violated, the Commission must notify the Board of Selectmen, who may seek appropriate relief in a court of competent jurisdiction.