

## **HISTORIC DISTRICT COMMISSION**

### **Article 1201: REGULATIONS GOVERNING THE ADMINISTRATION OF THE DISTRICTS**

(Recorded 02/14/86; Amended 01/14/98, 1/21/09, 03/10/2015, 06/10/2018)

#### **1201.1 AUTHORITY TO ADOPT REGULATIONS**

The Historic District Commission, after notice and public hearing, may adopt such Regulations regarding its procedures in hearing and processing Applications and statements of policy as required by RSA 674:46 and Kingston Ordinance Article 102 as it shall deem fit and shall compile such regulations in printed form to be available to applicants and citizens of the town, and shall file a notarized copy with the Town Clerk.

#### **1201.2 GENERAL ADMINISTRATION**

##### **A. Background**

The Town, by the authority granted under NH RSA Chapter 673:1, established an Historic District Commission on March 7, 1972. The provisions of the Ordinance are included in Section 100, Article 102 of the Kingston Zoning and Building Codes, and amended January 14, 1998.

##### **B. Purpose and Intent**

The purposes of the Historic District Commission of Kingston are:

1. to safeguard the heritage of the Town as it is represented in structures of historical and architectural value located, or which may be located, in an Historic District.
2. to preserve and reflect elements of the community's architectural, cultural, social, economic, and political history.
3. to ensure that residential portions of the Districts retain their residential character and qualities;
4. to strengthen the economy;
5. to conserve property values;
6. to foster civic pride;
7. to promote use of the Historic Districts for the education,

pleasure and welfare of the citizens of Kingston.

The intent of the Main Street Historic District is to preserve the scale and unique historic character of Kingston's town center, while permitting new construction of a size, scale, and design that will be in harmony with the old. It is intended that commercial structures retain and enhance their commercial character, and that residential portions of the district retain their residential qualities.

The intent of the Little River Historic District is to preserve the scale and unique historic character of this cluster community built around two old mill sites.

### **1201.3 MEMBERSHIP**

The Commission will consist of seven members and three alternates appointed by the Selectmen in accordance with the qualifications set forth in RSA 673:11. One of the seven members shall be a Selectman. One of the seven members shall be a member of the Planning Board. The ex-officio members shall serve terms of one year each. The appointed members shall serve terms of three years each. Terms will be staggered. Vacancies will be filled per RSA 673:12.

### **1201.4 RESPONSIBILITIES OF THE COMMISSION**

The Historic District Commission, herein called the Commission, will accept Applications for Certificates of approval to alter, improve, restore, construct, change the use of, demolish, or move structures into or within an historic district. It shall review, hold public hearings, approve or disapprove Applications and issue Certificates of Approval, appending thereto such conditions on performance of the work as it may deem appropriate or necessary.

### **1201.5 JURISDICTION AND CRITERIA**

Jurisdiction of the Commission extends to all structures not owned by the Town of Kingston, the State of New Hampshire or the United States government and located in whole or in part within the boundaries of the district. While government-owned buildings are not included within the jurisdiction of the Commission, it is hoped that the government bodies affected will cooperate in the spirit of the Historic District Ordinance. Other subjects covered by the Ordinance include, but are not limited to: Signs, landscape features, fences, street furniture, and other factors affecting the character of the streetscape.

Changes or additions to structures and appurtenances including those described in this paragraph, in the Historic Districts shall be permitted by written approval of the Historic District Commission after review of the criteria in Articles 1201.10 - 1201.13 following.

#### **1201.6 CERTIFICATES OF APPROVAL**

Certificates of Approval (except as provided for in 1201.10.D) are required for any work done on the exterior of buildings or structures located, or to be located, in an Historic District; shall be required for any additional buildings on the land within its boundaries; and shall be required for a change in or additional use of any land or structure within the Districts. The word "work" shall mean, and may not be limited to: alteration, restoration, moving, demolition of a part or parts of any building or structure, and any activity within a district effecting or affecting the purposes of the Commission. No building permit can be issued for any exterior work on a building within a district without a Certificate of Approval. Work to be done under a Certificate of Approval must begin within six months of the date of approval and must be completed within two years or the Certificate will be considered null and void.

#### **1201.7 ADMINISTRATION, ENFORCEMENT, AND LIMITATION**

- A.** The enforcement of the provisions of the Historic District Ordinance shall be made in the same manner as the enforcement of the zoning ordinance of the Town.
- B.** The Historic District Ordinance shall be administered by the Commission, the Building Inspector, the Selectmen, and such other lawfully empowered officers of the Town.
- C.** Upon information that the provisions of this Ordinance are being violated, the Commission must notify, in writing, the Board of Selectmen, who may seek appropriate relief in a court of competent jurisdiction.
- D.** In addition to all others lawfully entitled to enforce these sections, the Historic District Commission may institute any appropriate action or proceedings to prevent, restrain, correct or abate, such violation in accordance with RSA 674:50.
- E.** Nothing in these sections shall be construed to prevent ordinary maintenance or repair of any structure or place within any Historic District, nor prevent the construction, alteration, repair, moving, or demolition of any structure under a permit issued by the Building

Inspector or any other duly designated authority prior to the establishment of any such district.

#### **1201.8 APPEAL**

Any person or persons jointly or severally aggrieved by a decision of the Commission shall have the right to appeal concerning such a decision to the Board of Adjustment (RSA:1-14). Such appeal must be made within twenty (20) days of the Commission's decision, in accordance with the Bylaws adopted by the Kingston Board of Adjustment.

#### **1201.9 DISTRICTS**

##### **A. Historic District I (herein after called Main Street Historic District):**

On March 7, 1972, the Town voted to establish the Main Street Historic District. See Article 102 of the Kingston Zoning and Building Codes for the description of this District.

##### **B. Historic District II (herein after called Little River Historic District):**

The Little River Historic District was voted by the Town on March 2, 1976. See Article 102 of the Kingston Zoning and Building Code for the description of this District.

##### **C. Additional Historic Districts**

Additional Historic Districts may be established by vote of the Town.

##### **D. Change in Existing Districts**

Changes in existing Districts shall be voted by the Town.

#### **1201.10 DESIGN CONSIDERATIONS**

The Historic District Commission in making decisions shall consider, in addition to the following paragraphs, the Town of Kingston Zoning and Building Codes, the Kingston Master Plan, the Kingston Cultural Resources Survey, and the US Secretary of the Interior's Guidelines for Rehabilitation of Historic Structures. The Commission may request reports and recommendations regarding the feasibility of the applicant's proposal from the Planning Board, Fire Chief, Building

Inspector, Health Officer, and any other administrative official who may possess information pertinent to the concerns of the Commission. The Commission may engage technical assistants and consultants and may also seek advice from such professional persons or groups as may be deemed necessary for the determination of a reasonable decision.

#### **A. Specific Design Considerations**

All applications shall be judged based on the following criteria:

1. proportions of facades (scale, massing of elements);
2. proportions of openings within the facade;
3. rhythm of solids to voids within the facade;
4. rhythm of spacing of buildings on streets or along road or waterways;
5. percent of lot coverage and setback relative to adjacent structures;
6. size and rhythm of projections;
7. relationship of materials to existing and adjacent structures;
8. relationship of texture;
9. relationship of color of pre-finished or natural materials;
10. relationship of architectural details;
11. relationship of roof configurations and slopes;
12. relationship of landscape elements, built and natural.

#### **B. New Buildings and Structures**

New construction shall be evaluated on the basis of its compatibility with existing structures and overall effect on the historic character of the district. In addition to the design considerations presented in 1201.10.A, general size, scale, style, and location on lot, among other criteria, shall be examined.

The following architectural and design tenets and guidelines shall apply when considering applications for new construction in the historic districts:

1. New construction must be in harmony and compatible with the surrounding structures and streetscape. It shall respect and reflect traditional scales, proportions and rhythms, size, materials, and construction methods and installation details exhibited in historic buildings in general, and especially those that are adjacent to and/or share the streetscape with any proposed new construction. Where applicable, new structures should resemble and be in context with their historical

counterparts. This is especially true with regards to the Main Street Historic District which is characterized by its predominantly 18<sup>th</sup> and 19<sup>th</sup> century structures and village streetscape.

2. New construction must be in harmony and compatible with the height and width of adjacent and/or surrounding buildings. The true height of a new building (the actual point in space where a building's roofline should naturally terminate as calculated by generally accepted architectural design practices), shall not be more than 10% higher than the average height of adjacent structures or those that share the streetscape and in no instance will be greater than 35 feet;
3. The established street setback of structures adjacent to new construction shall be considered;
4. Existing façade patterns of buildings located in the historic districts, and especially those in the general vicinity of new construction shall be respected and reflected. Particularly, entryways/door openings (type, size, and location on structure), entrance design, door elements (sidelights, transoms, and hardware) and windows (type, casing, size, number of panes, hardware, placement on structure, and installation details) shall be in harmony and compatible with those generally found on historic structures, and especially with those exhibited by buildings surrounding the new structure;
5. Roofs
  - a. New roof shapes and/or pitches are not to be introduced into the district(s). Rather, roof shapes must be compatible and reflect the roof styles present in the historic districts and especially those that share the streetscape. Roofs in Kingston's historic districts, especially on non-civic structures, are predominantly hip-roofed or gabled;
  - b. Roofs shall be covered with materials consistent with roof coverings found on adjacent structures; composition, color, texture, size and shape of shingles, and installation details shall all be in keeping with those found on surrounding structures;
  - c. Architectural roof features such as cornices, gutters, iron filigree, cupolas, dormers, chimneys, weathervanes, and brackets shall be allowed where appropriate and in keeping with the period and style reflected in the new construction.
6. Exterior colors, design details and decoration, and building materials shall be period and style appropriate, in keeping with those used on historic buildings in general and, in particular, on those in Kingston's historic districts. Additionally, exterior walls

shall be constructed of and clad in materials compatible with the various historic periods and styles exhibited by structures in the historic districts (wood siding – clapboards, board and batten, and shingles). Distressed (sand or water-struck) real brick and native stone would also be considered appropriate for some construction.

7. Building themes, details, and ornamentation imitative of historical elements may be allowed if their usage can be shown to be appropriate and in keeping with the character and true history of the historic districts. Unrelated historic stylistic elements (details from different periods and styles) shall not be mixed and matched;
8. Structures and facilities which are constructed of a size, scale, style and materials not in keeping with the visual character and aesthetic of the historic districts and Kingston's historic streetscapes as a whole, and more specifically, with the individual structures which populate the historic districts, shall be prohibited. Such types of structures and facilities shall include but are not limited to:
  - a. Any box-like structure, regardless of size or shape which, if its roof is removed, the interior of the structure is revealed to be an open-space container where, although the operations or functions taking place occupy one story, the ceiling rises 1.5-3 stories above ground level.
  - b. Any formula retail establishment and/or business which is constructed according to a development blue-print, designed, and built-out according to a company's pre-set standards which is 1) not compatible with the intent and purpose of Kingston's historic districts as reflected in Kingston's zoning ordinances, historic district regulations and master plan and 2) is not in harmony with the visual aesthetic presented by Kingston's historic districts, either their streetscapes or individual structures;
  - c. Any structure whose exterior walls are comprised of and/or clad in concrete (poured, block or precise panels), metal, stucco, terra cotta, or any form of synthetic siding.

### **C. Existing Buildings**

The exterior (front, sides, and rear visible within the Historic District) of existing buildings may be maintained as is. If the exterior is to be changed it shall be to maintain or re-establish its basic appearance as of the time of construction, or at another period when the facade attained architectural significance. Materials consistent with original construction or other periods of architectural significance shall be used. No significant architectural details may be removed

or changed without a Certificate of Approval from the Historic District Commission. (Approved January 14, 1998)

**D. Routine Maintenance**

Painting and other routine maintenance to existing structures not involving any other exterior changes are not within the jurisdiction of the Historic District Commission, providing surface preparation and repairs do not alter, damage or deface existing architectural elements. Parties interested in promoting the spirit and intent of the District are encouraged to come before the Commission for informal guidance in the selection of historically appropriate colors and details.

**E. Other Considerations:**

Synthetic siding materials shall not be used to cover or replace existing architectural features. Sympathetic contemporary design treatment including solar panels, greenhouses and other visible energy-conserving features, may be deemed appropriate where previous modifications have removed significant architectural features, and on the rear of structures not visible from the street. Fencing and other landscape features will be considered on individual merits.

**F. Scale**

Story heights of new construction or additions to existing buildings shall not be 10% over, or under, the average height of adjacent (within a 250' radius of the center of the parcel) buildings and in no instance will be greater than 35 feet.

**G. Demolition, Removal or Relocation:**

No structure or portion of any structure shall be demolished, removed or relocated within the District without the approval of the Commission.

**1201:11 SIGNS**

Signs within the Historic Districts shall comply with the provisions of Article 102.6 and Article 303 of the Kingston Zoning and Building Codes and amendments thereof.

**1201:12 FEES**

- A.** A minimum fee will be paid to the Town of Kingston Historic District Commission at the submission of an application for review prior to the application being accepted for consideration. The fee structure is available on the Town’s website and in the office of the Selectmen and include:
1. Remodeling of existing residential building
  2. Remodeling of existing non-residential building
  3. New residential building
  4. New non-residential building
  5. New or remodeling of existing accessory building
    - a. up to 200 sq. ft.
    - b. 201+ sq. ft.
  6. Change of use/Confirmation of use
  7. Signs and Fences
  8. Roof solar panels
  9. Ground mount solar panels/Wind turbine
  10. Demolition
- B.** The fee may be increased, decreased, or waived by a vote of the Commission when the application is presented by the Chairman. The fee may be used for, but not limited to, legal notices, abutter notices, and consultant services required by the Commission. Any unused portion of this fee will be returned to the applicant.

**1201.13 AMENDMENT**

These Regulations may be amended by a majority vote of the members of the Commission provided that public notice is given of the substance of the proposed amendment pursuant to RSA 675:6. Copies of the amended Regulations shall be filed with the Board of Selectman, the Board of Adjustment, the Planning Board, and the Town Clerk.

**1201.14 SEPARABILITY**

If any action, provision, portion, clause or phrase of these Regulations shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect, impair, or invalidate any other section, clause, provision, portion or phrase of these Regulations.

date: May 1978	Jan 2009
May 1983	Mar 2015
Feb 1985	June 2018
Dec 1985	
Jan 1998	