

# HISTORIC DISTRICT COMMISSION

## Town of Canaan

---

### Proposed Historic District Regulations

Public Hearing August 16, 2010 at 7:00 PM  
Old Meeting House, Canaan Street, Canaan NH

The attached regulations have been revised and will be open to public comment at an August 16, 2010 public hearing. Written comments may be submitted before the hearing to Historic District Commission, Town of Canaan, PO Box 38, Canaan, NH 03741. Adoption of these regulations will occur after the public hearing and may incorporate changes resulting from public comments.

Proposed changes include exterior colors, synthetic materials, 100 foot frontage, and 40% open space.

Exterior colors have been updated to match the list published by Historic New England (Society for the Protection of New England Antiquities) which they revised in 2006. This removes certain bright colors.

Synthetic materials of vinyl, fiberglass, and composite are proposed for windows, doors, shutters, decks, railings, columns, railings, and banisters. Current regulations allow some of these, but this proposal expands that usage.

The current regulations have a requirement which reads: "Lot requirements for any other uses shall be consistent with this criterion for preservation of open spaces." This is ambiguous, so criteria have been added to clarify this. Both a 100 foot road frontage for new lots and a 40% open space requirement are proposed. A 40% open space requirement means that no more than 60% of a lot be covered by buildings, driveways, or other impervious surfaces.

Clarification that 30 foot setback applies to buildings, and not other construction such as driveways or septic systems.

## **Town of Canaan Historic District Regulations**

**August xx, 2010**

The Canaan Historic District, the first historic district in New Hampshire in a town without zoning ordinance, was first established in 1968. Due to legal requirements, the District was reestablished by a vote of the Town on Article 1 on March 11, 1986 and the Historic District Commission was established by vote of the Town on March 15, 1986. The Canaan Street Historic District was listed in the National Register of Historic Places on May 7, 1973. The Old Meeting House was previously listed on March 24, 1972.

### **BOUNDARIES**

The Canaan Historic District is the area of the Town of Canaan bounded on the north, beginning at a point approximately 500 feet west of the west side of Canaan Street along the north line of the Canaan Street Cemetery property to the west side of Canaan Street thence southward along the Street to a point opposite the northernmost point of the North Church property (tax map I-E lot 24); thence easterly across Canaan Street to the North Church property and thence southward along that line to the property owned in the name of Dove & Stavaski (2010) (near 577 Canaan Street, tax map I-E lot 22) and thence easterly along that property to the western shore of Canaan Street Lake: on the east, the westerly shore of Canaan Street Lake so-called: on the south from the westerly shore of Canaan Street Lake at the beginning of the property formerly known as the “Old Stage Coach Inn” or the Butler-Moore property, now owned by James Adler Trust (2010) ( 37 Green Eagle Lane, tax map I-D lot 38B) and along that line and that of a property now owned by Dowd (2010) (near 330 Canaan Street, tax map I-D lot 38) in a southwesterly direction to the west side of Canaan Street; continuing in a straight line southwesterly across the Pierce property (2010) ( 317 Canaan Street, tax map 17N lot 55) to a point approximately 500 feet west of the westerly side of Canaan Street; on the west by a line approximately 500 feet from the westerly side of Canaan Street.

(The following paragraph is not a binding description of the District boundaries, but rather an approximation for the convenience of the reader:

The Canaan Historic District is located on Canaan Street and includes properties extending from the Old North Church, southward along Canaan Street, past the Museum and Old Meeting House, and continuing past the Pinnacle House, to approximately the highest point on Canaan Street. The easterly boundary is Canaan Street Lake, and the westerly boundary is a line 500 feet west of Canaan Street.)

### **PURPOSE**

The Historic District Commission is established under the authority of New Hampshire Revised Statutes Annotated (RSA) 673:4 and 673:5 with all the powers and duties established by RSA 674:46a and the purposes as expressed in RSA 674:45 as follows:

I. Preserving districts in the municipality, which reflect elements of its cultural, social, economic, political, community, and architectural history.

II. Conserving property values in such districts.

III. Fostering civic beauty.

IV. Strengthening the local economy, and

V. Promoting the use of historic districts for the education, pleasure, and welfare of the citizens of the municipality.

To achieve these purposes these regulations are established.

## **SECTION I.**

Within the Canaan Historic District no building or structure shall be erected, reconstructed, altered, restored, moved, demolished, or changed as to use except in accordance with these regulations nor until a certificate of approval shall have been issued by the Canaan Historic District Commission and necessary building permits have been issued by the Town of Canaan. Certification of approval shall be applied for in writing to the Commission, stating the location, nature, and purpose of the project. Any site plans, building plans, elevations, photographs, sketches, data as to the material, color and texture, or other information reasonably requested and required by the Commission to determine the appropriateness of the project in question shall be made available by the applicant. However, the foregoing approval shall not be required for routine maintenance and repairs of existing structures, nor for interior alterations or improvements, provided the work to be performed does not change the exterior appearance or use of the building. Building Permits may not be issued until the Commission has issued a certificate of approval.

## **SECTION II.**

Within a period of forty-five (45) consecutive calendar days after the filing of applications, or within such further time as the applicant may, in writing, allow, the Commission shall determine whether the action or usage proposed will be appropriate within the Canaan Historic District, and shall file a certificate of approval or a notice of disapproval with the building inspector and the applicant. A copy will also be filed in the Historic District Commission files located in the town office.

Prior to the approval of an application, a public hearing shall be held. Notice to abutters shall be by certified mail. The public shall be given notice at the same time, by posting at two or more of the following places: town website, Canaan Town Hall and outside the Canaan Library. Newspaper publication shall be required when the proposed project expands an existing footprint by more than 400 square feet, or creates a new footprint which is greater than 400 square feet. Structure replacement shall be considered a new footprint.

### **SECTION III.**

Waivers: Any portion of these regulations may be waived or modified when, in the opinion of the Commission, strict conformity would pose an unnecessary hardship to the applicant and such waiver would not be contrary to the spirit and intent of these regulations. The property in question shall have peculiar or unusual circumstances which would lead to unnecessary hardship. If the applicant created the circumstances leading to this request, overwhelming factors shall exist to allow a waiver.

When waivers are granted, the Commission shall issue a limited certificate of approval, that specifies conditions required to maintain historic preservation objectives.

### **SECTION IV.**

Approval by the Historic District Commission shall not in any way relieve or excuse the applicant from conformance with other applicable Federal, State, or local regulations.

### **SECTION V. Permitted Uses**

A. Single family residential, agricultural, or municipal uses are permitted without limitation as long as architectural and environmental criteria are met.

B. Multifamily use is permissible as long as architectural criteria are met. Each dwelling unit must contain full kitchen and bathroom facilities and a minimum of 700 square feet of floor area. However, multifamily uses of structures shall not be permitted where it would result in violation of environmental criteria, or where it would be conducive to physical conditions (noise, traffic, congestion, etc.) incompatible with the characteristic appearance and atmosphere of the District.

C. Institutional uses are limited to schools, museums, libraries, and churches.

D. Professional occupations may be practiced either as a combined residence/office or solely as a business office as long as architectural and environmental criteria are met and

traffic flow and noise constitutes no hardship or annoyance to the residents of the District.

E. Commercial businesses consistent with the character of the District are permitted as long as architectural and environmental criteria are met, and such factors as level of employment, traffic flow, and noise constitute no hardship to the residents of the District.

F. Factory type manufacturing operations and accessory uses are prohibited.

## **SECTION VI. Architectural Criteria**

A. New building sites shall be no larger than those prevalent within the District and new buildings shall be consistent in mass, form, shape, and design with the architectural attributes of existing structures built during the period 1780-1850.

B. Roof lines of all new buildings shall have a minimum pitch of 25 degrees from horizontal. Additions, porches, and accessory structures shall be compatible with existing structures and adjacent properties, as appropriate.

C. The arrangement and appearance of windows and doors in a building or structure shall agree with generally established patterns in the District, or the time period of the house, as appropriate. Doors, shutters, and windows shall have a historical appearance, but may be made of wood, metal, glass, fiberglass, composite, or polymer (i.e. vinyl).

D. Height of new structures shall be no greater than 35 feet.

E. The general and basic requirement for exterior surface materials and finish is that they shall be authentic and harmonious in appearance in relation to the architecture of the structure to which they are applied. Traditional materials and specific non-traditional materials as noted in subsections (1) through (6) following are considered as standard, and deviations therefrom will require specific consideration and approval by the commission.

1. Main vertical surfaces shall be wood clapboards, stone, wood shingles, or board and batten. Cement fiber clapboards are permitted, provided that the appearance matches that of smooth wood clapboards. Cement fiber clapboards shall not have simulated wood grain. The reveal of replacement clapboards shall remain the same as the original reveal or be historically accurate. Fabric garages or any other fabric structures are strongly discouraged, but like any other structure, require approval before installation.

2. Roof surfaces shall be of slate, wood shingle, or dark colored composition material. Metal snow belts shall be permitted along the roof drip edge. These snow belts shall be of a color approximating, and blending with, the abutting roof surface. The finish shall be dull, flat or matte. Untreated copper is acceptable.

Barns and accessory structures may use metal roofs of a dark color, with a dull, flat, or matte finish.

3. Exterior paint colors shall be consistent with those used during the period 1780 to 1850. It is recommended that structures from the Greek Revival period of 1825 to 1850 use white with Amish green trim and Amish green shutters; however, any Greek Revival color is acceptable. Structures from the Federal period of 1780 to 1830 shall select approved colors from the following list or use white. Although there were many colors in use prior to 1830, wooden buildings were invariably painted white during the next two decades. Other structures including those built after 1850 may use any of the referenced colors. Any deviation from the approved colors requires prior Commission approval.

Paint colors are taken from the Historic New England/ Society for the Preservation of New England Antiquities paint chart. Chart is available from the Commission, Town Office, or Town Library. There is no restriction upon the level of gloss or paint manufacturer. Approved colors are shown as an “x” in the following table. All colors listed below are acceptable for use in any time period, but the table shows which period was predominate. White is not shown as a color chip on the card, but it is stated in the literature accompanying the color chart, that white was/is the most common color for Greek Revival houses.

These exterior approved colors are only approved for wood surfaces. Any synthetic material, except white, will require HDC approval complete with a painted sample.

**Approved Colors:**

Surface	Main Surfaces			Sash, Doors, Shutters		
	Period	Colonial	Federal	Greek Revival	Colonial	Federal
Dates	1600-1780	1780-1830	1825-1855	1600-1780	1780-1830	1825-1855
Amish Green					x	x
Asian Jute	x	x	x			
Barrett Quince						
Bayberry Wax		x	x			
Blonde Lace	x					
Brattle Spruce				x	x	x
Britches		x	x			
Burnished Pewter	x					

Surface	Main Surfaces			Sash, Doors, Shutters		
	Period Dates	Colonial 1600- 1780	Federal 1780- 1830	Greek Revival 1825- 1855	Colonial 1600- 1780	Federal 1780- 1830
Chocolate	x					
Cogswell Cedar	x					
Costal Sand		x	x			
Danish Pine			x			
English Bartlett	x					
Fieldstone			x			
Flaxen Field		x	x			
Ginger Root	x					
Grassy Meadow					x	x
Jackson Antique		x	x			
Jewett White		x	x			
Knightley Straw	x	x	x			
Langdon Dove	x	x	x			
Milkweed	x		x			
Monument Gray			x			
Nankeen	x	x	x			
Parsnip	x	x	x			
Pettingill Sage	x	x				
Phelps Putty		x	x			
Plymouth Beige		x	x			
Pitch Pine	x					
Portobello	x					
Quincy Granite	x	x	x			
Rain Barrel		x	x			
Rawhide	x					
Sandy Bluff		x	x			
Sayward Pine				x	x	x
Shaker red	x					
Tailor's Buff	x					
Tankard Gray	x					
Toffee		x				
Vinal Haven	x	x	x			
Wainscot Green			x			
Warren Tavern	x					
Wild Oats		x	x			

Surface	Main Surfaces			Sash, Doors, Shutters		
	Period	Colonial	Federal	Greek Revival	Colonial	Federal
Dates	1600-1780	1780-1830	1825-1855	1600-1780	1780-1830	1825-1855
Winter Meadow		x	x			
Wooden Nutmeg	x					
Wooly Thyme	x					
Yarmouth Oyster		x	x			

Also, White, True White, Brilliant White which is not on the chart but is acceptable.

4. Fences shall be no higher than four feet and shall be of stone, or wood. Wood fences shall be picket or rail.

5. Exposed chimney surfaces shall be brick.

6. Radio, television, and satellite antennae shall be unobtrusive and hidden from view from the street insofar as reasonably possible. The erection of transmitting or other receiving antennae or towers is discouraged and requires specific approval of the Commission.

7. Decks and porches may use wood or composite flooring with colors approximating natural woods or approved exterior colors in paragraph 3 above. Railings, banisters, and columns may be wood, fiberglass, composite, or vinyl. However wood is preferred, and other materials visible from a public way will require commission approval.

## SECTION VII. Signs

A. For institutional and government uses involving multiple buildings, one primary sign is permitted, the total area of which does not exceed twelve square feet. Secondary signs, the total area of which do not exceed two square feet per sign, are permitted to indicate essential directions or to identify a single structure.

B. For professional and business uses, one primary sign shall be permitted, the total area of which does not exceed two square feet.

C. All signs shall be designed and hung in a manner consistent with those of the period 1780 to 1850. Dark colored letters on a white background are preferred, and any

deviation from this, or the use of a commercial trademark or device in signage requires specific approval of the proposed design by the Commission.

D. No self-illuminated, neon, or gaseous tube self-illuminated signs are permitted. Illumination of all signs shall be continuous (not flashing) and shall be placed or hooded to prevent direct light from reaching any street or adjacent property.

E. One “For Sale” sign shall be permitted upon any lot of land within a single ownership.

F. All signs shall be constructed of durable materials, shall be lettered in a professional manner, and shall be maintained in good repair.

G. The town voted to control signs in 1970; see Appendix A.

### **SECTION VIII. Environmental Criteria**

A. In order to maintain the essential character of the District, the minimum lot size shall be two acres

Not less than forty percent (40%) of the total parcel shall be retained as open space, unencumbered by buildings, parking lots, accessory structures or other impervious surfaces. Said open space may be used for lawns, gardens, landscaping, natural vegetation, and passive recreation.

All new lots shall have one hundred (100) feet of frontage.

B. No new building construction, building alteration, or building relocation shall be placed closer than 30 feet to any point along any of the lot boundary lines. Shoreland Protection Standards, RSA 483-B, require that primary structures be at least 50 feet from Canaan Street Lake. Accessory structures must be at least 30 feet from Canaan Street Lake. See NH DES Env-Wq 1405 for additional restrictions..

C. No new construction or addition shall be so placed as to constitute an annoyance or impose undue hardship upon adjacent property owners.

### **SECTION IX. General**

A. These regulations shall supersede any previous regulations of the Canaan Historic District, including those adopted August 6, 1986.

B. The invalidity of any section, subsection, or other provision of these regulations shall not invalidate any other section, subsection, or provision thereof.

## **SECTION X. Enforcement, Fines, and Penalties**

These regulations shall be enforced in accordance with the provisions of RSA 676:10 (I). Fines and penalties shall be in accordance with RSA 676:17, 676:17-a, 676:17-b.

## **SECTION XI. Appeals**

In the event that the proposal of an applicant is denied by the Commission, the applicant may and is encouraged to modify the proposal and shall have the right to resubmit the application at any time.

Any person aggrieved by a final decision of the Historic District Commission shall have a right to appeal as provided by RSA 677.

## **SECTION XII. Definitions**

Abutter shall mean any person whose property adjoins or is directly across the street.

Alter shall mean any exterior change of an existing building or structure, such as walls, columns, architectural details, doors, windows, or any enlargement or reduction of a building or structure.

Building shall mean any combination of any materials, whether portable, moveable or fixed, having a roof and enclosed within exterior walls, built to form a structure for the shelter of persons, domestic animals, chattels or property. For purposes of determining exterior measurements or footprint in order to locate the setback line, "building" shall include all attached structures such as open or closed porches, decks, carports, garages, balconies, stairways and other similar structures.

Building Height shall mean the vertical distance measured from the average level of the grade at the building line to the highest point of the roof, excluding chimneys, cupolas, church spires, and belfries required above the roof.

Building Inspector shall mean Building Inspector. If none, then Code Enforcement Officer. If none, then other duly delegated authority.

Completed Application shall mean that sufficient information is included or submitted, with all fees paid, to allow the Commission to proceed with consideration and to make an informed decision.

Commercial Use shall mean facilities for the sale, lease, trade or delivery of products, goods or services, and their accessory uses.

Demolished shall mean destruction of a structure or portion thereof or commencement of work with the purpose of completing the same except in conjunction with construction of a permitted addition or alteration. Demolished shall include the cutting away of any wall, partition, portion thereof, or the removal or cutting of any structured beam or bearing support affecting the exterior of the structure.

Professional Occupation shall mean any business or profession conducted entirely within a dwelling or an accessory building located on the same premises as the dwelling, which

1. entails contact with the general public at the premises;
2. is capable of being unobtrusively pursued;
3. creates no nuisance nor any environmental, health or safety concerns;
4. does not change either the character of the building or the character of the neighborhood in which the Professional Occupation is established;

Sign shall mean a principal or accessory structure, device or inscription that is arranged, intended, designed or used as an advertisement, announcement or direction but not including those structures, devices or inscriptions erected and maintained by any public agency in exercising its duties.

Structure shall mean anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, as well as anything constructed or erected with a fixed location on or in the ground, exclusive of fences.

Unnecessary Hardship shall mean that application of the regulations to the subject property deprives the owner of all reasonable use of the property.

**SECTION XIII. Effective Date**

These regulations were filed with the Canaan Town Clerk on August XX, 2010 and became effective on that date.

\_\_\_\_\_  
John H. Bergeron, Chairman

\_\_\_\_\_  
Scott Borthwick, selectman

\_\_\_\_\_  
Michael Roy, Vice Chairman and Secretary

\_\_\_\_\_  
Charles Baldwin, Alternate

\_\_\_\_\_  
Daniel Fleetham, Sr.

\_\_\_\_\_  
Brooke D'Entremont, Alternate

\_\_\_\_\_  
Andrew Mulligan

\_\_\_\_\_  
Pete Cummings, Alternate

## **Appendix A:**

Town Meeting Warrant Article 11 -- passed March 10, 1970

Restrict the signs within the Historic District as follows:

No signs shall be flashing or animated;

No signs shall be larger than four (4) feet square;

All signs shall be constructed of durable material and shall be maintained in good condition and repair;

No more than one (1) sign advertising or promoting a single business or activity, but not including one (1) "for sale" sign, shall be permitted upon any lot of land in single ownership.

## **Appendix B:**

Summary of some state laws and rules pertaining to the Historic District:

RSA 483-B Shoreland protection:

- Any construction within 250 feet of lake requires a state Shoreland permit.
- Fertilizer is not permitted within 25 feet lake.
- Use low phosphate, slow release nitrogen fertilizer between 25 and 250 feet from the Lake.
- Minimum lake frontage for new lots is 150 feet.
- Within 50 feet of lake, groundcover must remain undisturbed, except for a 6 foot wide path to water. Within 50 feet of lake, no trimming for view below three feet.
- Within 50 feet of lake, no stumps, roots, or rocks may be removed.

DES Shoreland Protection Administrative Rules ( Env-Ws 1400)

- Within 50 feet of the lake, accessory structures are limited in size and placement.
- Existing decks and porches within 50 feet of the lake shall not be converted to living space.

DES Wetlands Administrative Rules Wt 400

The following docks may be submitted on a Seasonal Dock Notification Form. DES rules are more complex for other situations, including boat lifts and canopies.

- Only one dock on lake frontage.
- Removed from water during winter.
- Maximum 6 feet wide (along shore) and 30 feet long (away from shore).
- Lake frontage is at least 75 feet.
- 20 feet from abutting property line.
- No impact to shore wetlands.
- No grading or alteration of shoreline.
- Stairs on shore no wider than 6 feet.

DES Wetlands Administrative Rules Wt 300

- Wetlands permits are required to replenish sand on a beach or establish a beach.

DES Sewage Administrative Rules Env-Ws 1000

- Conversion from seasonal to year round use requires an "Application for Individual Sewage Disposal System Approval"
- New septic systems are usually required for buildings that are expanded, replaced, or moved.

In this appendix, all distances from the lake are from the high water mark.

Please consult the laws and administrative rules for precise requirements and exceptions, which are too lengthy to list here.