

**Rules of Procedure**  
**Historic District Commission**  
**Town of Canaan, New Hampshire**

Adopted by the Canaan Historic District Commission  
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## ARTICLE 1 Authority

These Rules of Procedure are adopted under the authority of NH Revised Statutes Annotated 676:1.

## ARTICLE 2 Powers and Duties

### Section 2.1 Regulations

The Historic District Commission shall adopt and amend regulations for the administration of the historic district of the Town of Canaan.

### Section 2.2 Administration of District

The Historic District Commission shall be responsible for administration of the Canaan Historic District Regulations.

### Section 2.3 Review and Approval of Building Permits

The Historic District Commission shall review all applications for permits for construction, alteration, removal, or demolition within the historic district for potential impact of such proposals on the character and integrity of the historic district and its objectives, by one or more of the following:

- A. Requesting reports and recommendations regarding the feasibility of the applicant's proposal from the Planning Board, Fire Chief, Building Inspector, and other administrative officials who may possess information concerning the impact of the proposal upon the historic district
- B. Seeking advice from professional, educational, cultural, or other groups, such as the Canaan Historical Society, or other persons as may be deemed necessary for the determination of a reasonable decision (Any fees for professional consultation related to an application for a Certificate of Approval shall be approved and paid by the applicant.)
- C. Scheduling public hearings for review, comment, and decisions regarding each application for construction, alteration, removal, or demolition within the district
- D. Filing with the Building Inspector either a Certificate of Approval or a Notice of Disapproval following the review and determination of the application

### Section 2.4 Conformance with Master Plan

All designated historic districts and regulations shall be in conformance with the recommendations of the current Town of Canaan Master Plan.

### Section 2.5 Regulation Amendments: Hearings

The Historic District Commission may, from time to time amend the regulations. The Historic District Commission shall hold a public hearing in accordance with RSA 675:7 on all proposed additions or amendments to the Historic District regulations.

## Section 2.6 Other Powers and Duties

The Historic District Commission may perform such research and inventory on properties and buildings within the District as is necessary to promote the preservation of structures and places of historic and architectural value. Documentation photographs showing property before new work commences shall be a part of each application for HDC approval. Photographs showing completed work shall also be submitted when approved projects are finished. These photographs will become part of a permanent record of each property in the Historic District and will be added to a Historic District Building Inventory.

## ARTICLE 3 Membership and Term of Office

### Section 3.1 Membership: Term of Office

- A The Historic District Commission shall consist of 5 members who shall be appointed by the Selectboard.
- B Each Historic District Commission member shall be a citizen of the United States (per RSA 91:2) and a resident of the town of Canaan. One commission member shall be a member of the Selectboard and one commission member may be a member of the Planning Board. Not more than 3 alternate members may be appointed by the Selectboard. When an alternate sits due to the absence or disqualification of a regular member, the alternate shall have full voting powers.
- C The term of the Selectboard member shall coincide with the term for Selectboard office. The term for all other regular and alternate members shall be 3 years. The initial terms of regular and alternate members shall be staggered so that no more than 3 appointments occur annually (2 regular and 1 alternate), except when required to fill vacancies.
- D Up to two associate members may be appointed by the Commission. In determining each member's qualifications, the Commission shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purposes of the historic district commission. The term for all associate members shall be 3 years. The initial terms of associate members shall be staggered so that no more than 1 associate appointment occurs annually, except when required to fill vacancies. Associate member positions are non-voting positions. Associate members may participate in all commission meetings, hearings, and discussions. Associate members may perform tasks normally assigned to members or officers, under supervision of the regular membership.
- E Regular, alternate, and associate members may serve on other municipal boards and commissions.

### Section 3.2 Vacancies

Vacancies in the membership occurring other than through the expiration of a term of office shall be filled by the Selectboard for the unexpired term. Associate membership vacancies shall be filled by the Commission for the unexpired term.

### Section 3.3 Removal of Members

Members may be removed for cause in a manner provided by RSA 673:13. In addition, the Chairman may request the resignation of any member who fails to attend four consecutive regular meetings without just reason. Associate members may be removed by the Commission with a two thirds vote of the Commission.

## ARTICLE 4 Organization and Officers

### Section 4.1 Organization Meeting: Officers

The Historic District Commission, at its regular May meeting, shall be called to order by the current Chairman. At this meeting, the Commission shall organize for the election of one of its members as Chairman, one as Vice-Chairman, one as Secretary, and one as Clerk. A single member may hold no more than two Historic District Commission positions at the same time.

### Section 4.2 Terms of Officers: Eligibility

The term of every officer and chairman elected by the members of the Historic District Commission shall be one (1) year. All officers shall be eligible for re-election.

### Section 4.3 Duties of Chairman

The Chairman shall call the meetings to order, preside over deliberations, and see that all proceedings are in accordance with the ordinances and regulations of the Town of Canaan and the statutes of the State of New Hampshire. The Chairman shall sign all approved Certificates of Approval, present a yearly report of the activities of the Commission for publication in the Town Annual Report, and perform all other reasonable duties.

### Section 4.4 Duties of Vice-Chairman

In the absence of the Chairman, the Vice-Chairman shall perform all the duties of the presiding officer.

### Section 4.5 Duties of Secretary

Pursuant to RSA 91-A, the Secretary shall record the minutes of the meetings of the Commission and shall provide a draft of the minutes to the Town Information Coordinator for public inspection within 144 hours (6 calendar days) of a public meeting or, unless voted otherwise pursuant to RSA 91-A:3 III, within 72 hours (3 calendar days) of a non-public meeting.

Within six calendar days, of a public meeting, the Secretary shall place copies of the draft (unapproved and unsigned) minutes in the town offices. These shall be marked "draft" and placed into both the book accessible to the public, and the book inside the Town Information Coordinator's office. The Secretary shall also email copies to all Commission members with email addresses.

After a vote at a future public meeting, the draft minutes, as amended, shall become the approved minutes. Within six calendar days, the Secretary shall incorporate the amendments into the draft, remove any notation that they are a draft, add the date on which they were approved, sign the approved minutes, remove both draft copies in the town offices, place the original in the Town Information Coordinator's book, and place a copy in the book available to the public. The Secretary shall also email copies to all Commission members with email addresses. The Secretary or delegate shall email an

Adobe Acrobat version to the town for posting on the town web site. This file shall be named "HDC.mm.dd.yy.pdf" where mm, dd, yy reflect the meeting date. The title of the email shall be "HDC.mm.dd.yy".

The Secretary shall also keep attendance of regular, alternate and ex-officio members and may sign Certificates of Approval and Notices of Disapproval in the absence of the Chairperson and Vice-Chairperson.

#### Section 4.6 Duties of Clerk

The Clerk of the Commission maintains such files and records at the Town Offices as shall be required by state statutes and/or the regulations of the Historic District Commission. The Clerk shall keep a full and accurate record of the proceedings of all meetings by printed minutes, which minutes shall be preserved permanently. He/she shall post public notices of all public hearings in the Town Office Building and outside the Town Library. Newspaper publication shall be required when the proposed project expands the footprint of an existing structure by more than 400 square feet, replaces over 400 square feet of an existing structure, or creates a new footprint which is greater than 400 square feet. Structure replacement shall be considered a new footprint.

The Clerk shall notify all abutters identified in the application of the time and place of public hearings. The Clerk shall file all approved and signed Certificates of Approval or Notices of Disapproval with the Canaan Building Inspector, and shall mail a copy of the Certificate of Approval or the Notice of Disapproval to each applicant. The Clerk shall also verify that the Town of Canaan has received payment of necessary fees before consideration of an agenda item at a public hearing.

### ARTICLE 5 Administration

#### Section 5.1 Other Services

The Historic District Commission may contract with consultants for such services as it may require, subject to the financial constraints outlined in Section 5.2.

#### Section 5.2 Finances

As Land Use Boards, the Historic District Commission and the Planning Board share the same budgets and accounts. The expenditures of the Commission shall be within the amounts appropriated for the purpose by the Town. Expenditures shall be coordinated with the Planning Board. Postage is charged to department 6 on the postage meter, using a PIN provided by the Town Information Coordinator.

Any fee which the Historic District Commission lawfully imposes upon an applicant, including but not limited to application fees, fees for notice, fees for administrative expenses or investigative studies, or fees to implement other conditions lawfully imposed as part of a conditional approval, shall be recorded in the Treasurer's receipt book. Certified postage fees shall be deposited into account 01-3401-29; newspaper notice fees shall be deposited into account 01-3401-28. Receipt of any other funds shall be recorded to the appropriate account.

### Section 5.3 Waivers

Any portion of these Procedures may be waived or modified when, in the opinion of the Commission, strict conformity would pose an unnecessary burden and such waiver would not be contrary to the spirit and intent of these procedures.

## ARTICLE 6 Meetings

### Section 6.1 Regular Meetings

Regular public meetings shall be held at least once in each month and may be held at the call of the chairman at such other times as the Commission may determine. Meetings will normally be held on the third Monday of the month at 7:00 p.m. in the Mascoma Senior Center. Meetings may also be held at the Old Meeting House on Canaan Street, or other locations, if location notice is posted in 2 places at least 24 hours (excluding Sundays and legal holidays) prior to the meeting.

### Section 6.2 Special Meetings

Special Meetings may be held as needed by call of the chairman. Notice shall be posted in 2 places at least 24 hours (excluding Sundays and legal holidays) prior to the meeting.

Work or study sessions may be convened as a whole or as a committee of the whole in the same manner as special meetings, provided that no quorum shall be required and that no official action shall be taken.

### Section 6.3 Non-Public Sessions

Non-public sessions shall be held only in accordance with RSA 91-A:3.

### Section 6.4 Change of Meeting Dates

In the event that normal meeting dates conflict with state or national holidays, or with other town events, a new date may be posted at the town offices and outside the town library, with notice to Commission members and scheduled applicants at least ten (10) calendar days prior to the rescheduled meeting.

### Section 6.5 Joint Meetings and Hearings

#### **6.5.1. Authority**

RSA 676:2 provides that the Historic District Commission may hold joint meetings and hearings with other "land use boards" including the Planning Board, the Building Code Board of Appeals, and the Building Inspector. Each board shall have the discretion as to whether or not to hold such joint meeting or hearing. Each board shall render it's own decision.

#### **6.5.2. Hearing Procedure**

An applicant shall fill out and file completed applications with each board according to the application requirements set forth in the regulations and pay the application fees and costs set forth therein. All abutters and the applicant shall be notified of the date and purpose of the joint public hearing per the appropriate regulations. The Planning Board Chairman shall chair all joint meetings and public hearings when the subject matter involves the Planning Board. The applicant shall first make presentation of the application to both boards and the public.

Next, the public shall be given opportunity to ask questions of the applicant, make comments, or offer other relevant testimony or evidence to both boards. The Chairman shall then close the public hearing portion of the joint meeting, at which time both boards may jointly discuss and consider the proposal amongst themselves, seeking no further input from either the applicant or the public.

After the public hearing and after such joint discussion, if held, both boards shall separately convene and proceed according to its procedures and the regulations.

### **6.5.3. Other Meetings**

Joint business meetings with any other land use board may be held at any time when called jointly by the chairmen of the two boards.

### **6.5.4. Quorum**

If a quorum of either board does not attend the meeting, the joint meeting may be rescheduled or the board with a quorum may proceed with their area of responsibility.

## **Section 6.6 Quorum**

Three (3) members qualified to vote shall constitute a quorum. Meetings shall be open to the public and shall conform to RSA 91-A:2. Commission members shall discuss matters over which the Commission has supervision, control, jurisdiction or advisory power only during the course of a public meeting. Use of email among and between members is restricted to the sharing of factual information about commission business and shall not be used for discussion of the merits of a particular application or other matter before the Commission.

## **Section 6.7 Disqualification of a Member**

No member of the Historic District Commission shall participate in deciding or shall sit upon the hearing of any question which the Commission is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.

Where uncertainty arises as to the application of the above paragraph to a Commission member in particular circumstances, the Commission shall, upon the request of that member or another member of the Commission, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding and may NOT be requested by persons other than Commission members.

## **ARTICLE 7 Agendas and General Operating Procedure**

### **Section 7.1 Meeting Order**

At each regular meeting, the order of proceedings shall be as follows, unless altered by the Chairman:

- A. Call to order and quorum check

- B. Approval of minutes of previous meeting(s)
- C. Old business – continued hearings
- D. New business:
  - (1) Public hearings
  - (2) Concept discussions
  - (3) Other items for review
- E. Other business
- F. Motion to continue or adjourn

## Section 7.2 Conduct of Public Hearings

The conduct of public hearings shall be governed by the following rules:

- A. The Chairman will identify members qualified to vote and appoint an alternate member for each regular member who is recused in order to meet the requirement for a quorum.
- B. The Chairman shall call the hearing into session, identify the owner of record, applicant or agent, and read into the record any or all Canaan administrative officials' reports on the proposal.
- C. The Chairman shall entertain a vote of the Commission members to accept the application and continue the public hearing or reject the application as incomplete.
- D. If the application is accepted by majority vote of the Commission, then the Chairman shall call the owner, applicant, or agent to make a public presentation of the proposal.
- E. Members of the Commission may ask questions at any point during the presentation but may not advocate for or against the proposal until the hearing is closed.
- F. After the presentation, the Chairman shall call for comments. Any abutter or person with an interest in the matter may testify in person or in writing, and shall be recognized by the Chairman. Persons who wish to speak shall be required to state their name and address and to indicate whether they are a party to the matter or an agent or counsel to a party to the matter.
- G. The applicant or his agent shall be allowed an opportunity to respond to testimony submitted by abutters and other interested parties.
- H. The Chairman shall indicate whether the hearing is closed or continued pending the submission of additional material or information, or the correction of noted deficiencies. In the case of a continuance, additional notice is not required if the date, time, and place of the continuation are made known before the adjournment of the meeting.
- I. After closing a public hearing, the Chairman shall entertain a motion from members of the Commission for continuance, approval or denial of the application, which shall include findings of fact in support of the motion. The Chairman shall then call for a vote. A majority vote shall

carry the motion.

J. All public-hearing portions of the meeting shall be terminated by 9:30 PM except that a matter under consideration may proceed or be continued to another meeting as determined by a majority of the voting Commission members present. Agenda items not yet considered may be considered or deferred to the next meeting as determined by a majority of the voting Commission members present.

## ARTICLE 8 Applications for Review

### Section 8.1 Request for Review: Applications for Public Hearing

Appearance before the Historic District Commission for a public hearing shall be by application only. This shall take the form of a written application provided by the Clerk of the Commission.

### Section 8.2 Application Filing Deadline

Applications for the agenda of a regular meeting of the Historic District Commission shall be closed at 4:30 p.m., fourteen (14) calendar days before the date of the scheduled meeting.

### Section 8.3 Action on Applications

Applications are received at the town offices and date-stamped by the Town Information Coordinator. Upon receipt of an application, the Town Information Coordinator shall notify the Clerk of the Commission by telephone. The Clerk shall examine the application for obvious omissions and contact the applicant if additional information is needed. The Clerk shall then contact the Chairman to schedule a public meeting date for the application. If there is adequate time for formal notice, (see section 8.5) the hearing will take place at the next regular meeting of the Commission. The Clerk shall issue public hearing notice per Section 8.5.

The Commission may vote not to accept for consideration an incomplete application or any application which does not comply with Federal, State or Town statutes, ordinances, or regulations.

Any application advertised on an agenda may be denied approval, or continued to the next meeting, if neither the applicant nor an authorized agent is in attendance to present the application.

### Section 8.4 Forms

All forms prescribed herein and revisions of such forms shall be adopted by resolution of the Historic District Commission.

### Section 8.5 Notice

Notice of public hearings shall be given not less than ten (10) calendar days (not including date of public notice or hearing date) prior to the date fixed for consideration of the application. Notice shall be by posting at the Canaan Town Office Building and outside the Canaan Town Library and by newspaper publication when required.

Notice to abutters shall be made by certified mail to the owner of record, applicant and all abutters, not less than ten (10) calendar days (not including date of public notice or hearing date) prior to the date fixed for submission of the application to the Commission.

## Section 8.6 Conceptual Reviews

An applicant may make a verbal or written request for conceptual review. This request may be made prior to or during any public meeting. The review may be scheduled for the current, or a future meeting as determined by the Chairman. The applicant may seek advice of the Commission only at a scheduled meeting. A review may be sought for the purpose of discussing Commission application procedures or Historic District Regulations and ordinances, so that the Commission may evaluate whether the applicant's concept is consistent with requirements prior to the submission of an application. The Commission and applicant may discuss proposals in conceptual form only and in general terms. A discussion shall not bind either the Commission or the applicant. Notice to abutters and the public is not required. No formal documents are required, as sketches and discussion are sufficient.

## Section 8.7 Guidelines and Procedures

Appendix A contains the following additional information:

- A) Guidelines for When an Application is Required
- B) Guidelines for Application Review
- C) Procedures

## ARTICLE 9 Decisions of the Historic District Commission

### Section 9.1 Decisions

The Historic District Commission shall issue a final written Certificate of Approval or a Notice of Disapproval pursuant to NH RSA 676:9 within forty-five (45) days after the filing of a complete application for the Certificate, unless the applicant agrees in writing to a longer period of time.

Notice of each decision will be made available for public inspection by the Clerk of the Historic District Commission at the Canaan Town Office Building within seventy-two (72) hours (three days) after the decision is made. If the application is disapproved, the Commission shall provide the applicant with written reason(s) for the disapproval.

A copy of the Historic District Commission's final decision which approves, approves with conditions, or disapproves an application, including signed Certificates of Approval or Notice of Disapproval, shall be provided to the applicant and the Canaan Building Inspector from the Commission Clerk by regular mail or personal delivery. If the application is not approved, the Commission shall provide the applicant with written reasons for the disapproval.

## ARTICLE 10 Appeal of Decisions

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.

## ARTICLE 11 Records of the Historic District Commission

### Section 11.1 Records

Minutes of Historic District Commission meetings, including the names of members in attendance, persons appearing before the Commission and a brief description of the subject matter shall be prepared in written format and shall be open to public inspection. A draft of the minutes shall be available within 6 calendar days of the public meeting. A copy of the approved minutes of each meeting shall be available to the public within six calendar days of their approval by the Commission.

The records of the Historic District Commission, including written minutes of the meetings and a copy of signed Certificates of Approval and Notices of Disapproval, shall be available for public inspection during regular business hours at the Canaan Town Office Building. A copy of the Certificate of Approval or Notice of Disapproval shall be also placed in the appropriate property-tax file in the Town Office.

A copy of each signed Certificate of Approval and Notice of Disapproval and a copy of approved minutes shall be permanently preserved in the HDC files at the Canaan Town Office Building.

### Section 11.2 Signatures

Applications approved by the Commission shall be indicated by issuance of a Certificate of Approval signed by the Chairman. In the event that the Chairman is unavailable, the Vice-Chairman shall sign the Certificate. In the event that both the Chairman and Vice-Chairman are unavailable, the Secretary shall sign the Certificate.

## Article 12: Enforcement

If enforcement is anticipated, written records shall be kept of the times of any and all inspections, with detailed observations of the circumstances constituting the violation. Written record shall also be made of any correspondence or other communication. If access to the property is needed and denied by the owner or occupant, legal action will be needed to obtain access. In this case, the HDC shall contact the Selectboard.

The following procedure will be used when it is necessary to enforce the HDC regulations under RSA 676:15, 676:17, 676:17-a, or 676:17-b:

- A. An observation or complaint of non-compliance is reported to the HDC or a Commission member.
- B. If appropriate, a Commission Member speaks with parties involved to obtain facts and to provide a copy of the Historic District Commission regulations if needed. Member invites complainant and / or offender to commission meeting, when suitable.
- C. At a regular or special meeting, Commission determines if additional action is required.

- D. Verbal requests for compliance are recommended prior to written requests. If verbal approaches are unsuccessful, the HDC shall send a letter to the offender stating a date for initiation of compliance and a date for total compliance.
- E. If insufficient response is received, a formal Notice of Violation is issued by the Commission. This will state:
  - 1. The precise regulation, provision, specification or condition which is being violated
  - 2. The facts constituting the violation, including the date of any inspection from which these facts were ascertained
  - 3. The corrective action required, including a reasonable time within which such action shall be taken

The Notice of Violation shall be delivered by certified mail (return receipt requested), or by the building inspector, or by a Canaan police officer. Certified mail will be addressed to all owners, tenants, and controlling parties. The building inspector and Canaan police officer will only attempt delivery to those parties located within the town of Canaan.

- F. If there is no compliance within the stated time period, the Commission shall contact the Selectboard. In time-critical situations any of the above steps may be skipped and the Selectboard immediately contacted to initiate injunctive relief, cease-and-desist orders, or other legal remedies.

## **Appendix A: Historic District Guidelines and Procedures**

### **(A) Guidelines for When an Application is Required:**

- (1) Activity Subject to Review. Except as specified below, no building or structure shall be erected, reconstructed, altered, restored, moved, demolished, or changed as to use unless a certificate of approval shall have been issued. A Certificate of Approval is required for all work, whether or not such work requires a building permit.
- (2) Activity Exempt from Review. No review or Certificate of Approval shall be required for the following activities, provided that they comply with the HDC regulations:
  - (a) General maintenance and repair which does not involve any change in exterior materials or in the outward appearance.
  - (b) Work performed on the interior of buildings provided the work to be performed does not change the exterior appearance or use.
  - (c) Structures, which are not buildings, and which are not visible from a public way. See definitions.
  - (d) Elements which are appurtenant to a building but which are not integral to the building including antennas, satellite dishes, flagpoles, window air conditioning units, and similar elements. Property owners are encouraged to place these elements, when practical, on the rear portions of buildings or where they will be least noticeable from any public way.
  - (e) Installation or removal of any plant, shrub, or tree materials.
  - (f) Application of paint, where colors are those identified by the HDC as acceptable. These 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. Acceptable colors are indicated on the chart.
  - (g) Installation of pavement or other impervious or semi-impervious material on any parking or driveway area. Use of pervious materials is encouraged.
  - (h) Light fixtures which are appropriate to the building's architectural style.
  - (i) Roofing or re-roofing projects conforming, so long as the roof pitch, height, and area remain the same. This includes change of color, addition or removal of ice belts, and change of asphalt shingle style.
  - (j) Siding or residing of structures within the District provided that the siding is 1) similar in style and appearance to the original construction, 2) retains original exposure (reveal)

or has no more than four inches exposed to the weather, and 3) is of an approved material. Residing shall not in any way destroy or cover existing architectural features.

- (k) Storm windows and storm doors provided that the original architectural features are not removed or destroyed.
- (l) Metal or masonry chimney caps.
- (m) Any temporary emergency repairs provided that review and conformance will be required afterward.
- (n) Items which are not explicitly addressed in this subsection but clearly:
  - (i) would not have any negative impact; and
  - (ii) would not be noticeable from any public way

## (B) Guidelines for Application Review

The following guidelines shall be used by the Commission in reviewing applications for Certificates of Approval. Recognizing that every property, every proposal, and every situation is unique, the Commission shall utilize its reasonable judgment, and is granted a fair degree of flexibility, in applying these guidelines, consistent with other requirements and limitations.

- (1) The following general principles are adapted from the U.S. Secretary of the Interior's Standards for Rehabilitation:
  - (a) Every reasonable effort shall be made to minimize alteration of the significant features of the building.
  - (b) The distinguishing original qualities or character of the building shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided where possible.
  - (c) All buildings shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
  - (d) Changes that may have taken place in the course of time are evidence of the history and development of the building. These changes may have acquired significance in their own right, and this significance should be recognized and respected.
  - (e) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building should be treated with sensitivity.

- (f) Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other structures.
  - (g) Contemporary design for alterations and additions to existing buildings should not be discouraged when such designs do not destroy significant historical, architectural, or cultural material, and when those designs are compatible with the size, scale, color, material, and character of the property, neighborhood, and environment.
  - (h) New additions or alterations to structures should be done in such a manner that if those additions or alterations were to be removed in the future, the essential form and integrity of the building would be unimpaired
- (2) Elements of Design. The following principles also apply.
- (a) Harmony with surrounding buildings. Proposals should be harmonious with the existing building (in the case of additions and alterations) and with contributing neighboring buildings and other buildings within the District, as appropriate, in respect to mass, width, height, proportion, spacing, setback, and all of the other elements of design discussed herein.
  - (b) Scale. Every effort should be made to provide an appropriate scale to new buildings both in their overall size and in their details.
  - (c) Proportion. Buildings and their details should be well proportioned in accordance with commonly accepted design principles so as to create a sense of order and balance.
  - (d) Massing. Large structures should be broken into smaller masses to provide human scale, variation, and depth. These smaller masses should have a strong relationship to one another and, ideally, each smaller mass will have integrity of form and function.
  - (e) Roof. As a design element the roof has a significant effect on the building's character. Extensive areas of visible roof may be broken up with dormers, cross gables, cupolas, chimneys, parapets, balustrades, and towers.
  - (f) Fenestration. Windows are an integral part of a building. It is desirable that the windows and doors establish a coherent, orderly pattern and rhythm. It is preferable that windows be vertical. Horizontally shaped windows are discouraged. Where horizontal windows are sought a series of contiguous vertical windows with

mullions in between should be used arranged in a horizontal band. Shutters should be sized properly for the window opening (approximately one half the width of the opening per shutter).

Preservation of original wood windows is strongly encouraged but not required. Where windows are replaced use of true divided light windows is encouraged but not required. Use of false mullions may be stipulated where appropriate.

- (g) Entrance. The entrance is an important element in defining a building. Articulation of the entrance is encouraged through use of a portico, canopy, awning, sidelights, surround, or other device. Generally, there should be an entrance, if not the primary entrance, located on the front facade.

### (3) Other Principles

- (a) Visibility. Generally, the less visible or prominent a structure or facade the less stringent the standards/review.
- (b) Demolition or Removal. Demolition or removal from the District of a contributing structure is strongly discouraged. In most cases, it should only be approved where the applicant demonstrates that denial of the application would result in significant hardship.
- (c) Relocation within the District. Relocation of a contributing structure from its site is discouraged. The Commission may approve such relocation if it determines that there are compelling reasons.
- (d) Noncontributing Buildings. Significantly less stringent review is in order for "noncontributing" buildings. In many cases, demolition or relocation of a noncontributing structure is entirely appropriate, if not desirable.

## (C) Procedures

- (1) Application. An application for a Certificate of Approval shall be submitted to the Historic District Commission through the Town Office, no fewer than fourteen (14) days prior to a Commission meeting.

It is the intent of this Section to make the review process as simple and pleasant as practical. The applicant need only submit those materials which the Commission reasonably determines are necessary to conduct an appropriate review. On small or straightforward projects submission of the application, a letter of intent, a verbal description, and/or one or more sketches drawn by the applicant may suffice.

In the case of more elaborate proposals or those potentially having a significant impact upon sensitive properties any or all of the materials listed below may be required as the

Commission sees fit. While the use of an architect is not required, there may be situations where it is appropriate.

Applicants should speak with the Commission prior to preparing an application package to get a preliminary sense of which of the items below may or may not be needed. The application package may include any or all of the items listed below as stipulated by the Historic District Commission:

- (a) A completed application form stating the purpose of the proposed project and identifying the nature and extent of the work to be performed.
- (b) Site plans drawn to scale clearly depicting existing conditions and proposed work.
- (c) Elevation drawings to scale of each affected facade of the building clearly depicting existing conditions and proposed work.
- (d) Detail drawings of appropriate elements (such as the balustrade for a handicapped ramp).
- (e) Photographs of each impacted side of the building.
- (f) Sample, swatch, and/or manufacturer's cut sheet of materials to be used, as appropriate.
- (g) Any other items which the Commission may reasonably need to conduct its review.
- (h) A fee equivalent to the current USPS certified mailing fee, no return receipt, per abutter and applicant. Plus \$25 for new buildings or additions greater than 400 square feet.

- (2) Review of the Application for appropriateness. In deliberating whether to grant (with or without conditions) or deny a Certificate of Approval the Commission shall make a determination as to the appropriateness of the work proposed by determining whether or not the proposal conforms to the provisions of this Document and the HDC Regulations.

## (D) Definitions

- (1) Contributing property. A property that contributes positively to the District's architectural quality and integrity as a result of its location, design, history, condition, quality, age, materials, workmanship, feeling, and/or association.
- (2) 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.

- (3) Exterior Architectural Appearance. This encompasses the building itself and those individual elements which are integral to the building and are visible on the exterior. It includes colors, materials, texture, arrangement, architectural detailing and trim, the roof, windows, doors, foundation, steps, ramps, porches, decks, awnings, hardware, and light fixtures.
- (5) Massing. The shapes, sizes, and arrangement of the three dimensional forms that compose a building.
- (6) Noncontributing property. A property which - due to its recent vintage (generally less than 50 years), incompatible design, incompatible and irretrievable alterations, or deteriorated condition - would not be considered to contribute to that character or quality of the District which the Town seeks to preserve.
- (7) Proportion. The relation of one dimension to another, such as the height of a window compared to its width. Proportion affects visual order through coordination of such elements as height, width, depth, and spacing.
- (8) Public Way. A town or state maintained road, sidewalk, park, or Canaan Street Lake.
- (9) Scale. The perception of the size of a building or building element relative to the human body or other buildings or objects in the vicinity.
- (10) 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.

Adoption of Rules of Procedure

The Canaan Historic District Commission adopted the Rules of Procedure on October 9, 2006. The document was filed with the Canaan Town Clerk on October 16, 2006.

The Canaan Historic District Commission adopted these revised Rules of Procedure on January 15, 2007. This document was filed with the Canaan Town Clerk on January 26, 2007.

The Canaan Historic District Commission adopted these revised Rules of Procedure on July 16, 2007. This document was filed with the Canaan Town Clerk on October 1, 2007.

The Canaan Historic District Commission adopted these revised Rules of Procedure on May 19, 2008. (Changed postal rate) This document was filed with the Canaan Town Clerk on June 3, 2008.

The Canaan Historic District Commission adopted these revised Rules of Procedure on March 16, 2009. (Added 6.5) This document was filed with the Canaan Town Clerk on March 20, 2008.

2009 JHB

Signed by:

John H. Bergeron  
John H. Bergeron, Chairman

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Scott Borthwick, Selectman

Michael Roy  
Michael Roy, Secretary

\_\_\_\_\_  
Charles Baldwin, Alternate & Clerk

Daniel Fleetham  
Daniel Fleetham Sr.

\_\_\_\_\_  
Thomas Hudgens, Alternate

Andrew A. Mulligan  
Andrew Mulligan

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Brooke D'Entremont, Alternate