

CITY OF LACONIA - CITY COUNCIL SUBCOMMITTEE MEETING
Government Operations & Ordinances

April 21, 2022
4:00 pm

City Hall - Armand A. Bolduc City Council Chamber

1. **CALL TO ORDER**
2. **SALUTE TO THE FLAG**
3. **RECORDING SECRETARY**
4. **ROLL CALL**
5. **STAFF IN ATTENDANCE**
6. **GOVERNMENT OPERATIONS & ORDINANCES (Soucy (Chair), Felch, Cheney)**
 - 6.A. **Review of the Historic Overlay District current and proposed boundaries**

Documents:

 - STAFF REPORT - REVIEW OF HISTORIC OVERLAY DISTRICT CURRENT AND PROPOSED BOUNDARIES.PDF
 - CODE SECTION 235-21.2. HISTORIC OVERLAY DISTRICT - CURRENT.PDF
 - HISTORIC OVERLAY DISTRICT MAP - CURRENT.PDF
 - ORDINANCE 2021-235-21.2 - AS PROPOSED.PDF
7. **CITIZENS REQUESTS TO COMMENT ON CURRENT AGENDA ITEMS**
8. **Any other business that may come before the Committee**
9. **ADJOURNMENT**

This meeting facility is ADA accessible. Any person with a disability who wishes to attend this public meeting and needs additional accommodations, please contact the Meeting ADA Coordinator at City Hall by calling the City Clerk's Office at (603) 527-1265 at least 72 hours in advance so that the City can make any necessary arrangements.

STAFF REPORT

04/21/2022

Topic: Review of the Historic Overlay District current and proposed boundaries

Discussion: A second reading and Public Hearing was held at the City Council's June 28, 2021 meeting regarding proposed Ordinance 2021-235-21.2 amending the outline of the Historic Overlay District. At that meeting the Council voted down the proposed Ordinance in order to revisit it at a later date.

Included with this agenda item for the Committee's review are the following documents:

- Code Section 235-21.2 as it currently exists
- The current version of the Historic Overlay District map
- Ordinance 2021-235-21.2 as proposed, but not yet approved

Fiscal Impact:

Staff Recommendation:

This report submitted by: Scott Myers, City Manager

Proposed motion:

§ 235-21.2. Historic Overlay District. [Added 12-9-2019 by Ord. No. 2019-235-21.2]

- A. Purpose. This section establishes an Historic Overlay District (HOD) in the City of Laconia pursuant to RSA 673:4 and 674:45 through 674:50. The purpose of the HOD is to preserve and promote the historic, cultural, educational, economic, and general welfare of the community by:
- (1) Protecting and preserving structures, places, and properties that reflect elements of the cultural, social, economic, and political heritage of the City;
 - (2) Promoting the preservation, restoration, rehabilitation, and adaptive reuse of structures and places of historical, architectural, and community value as well as vistas of significance within the HOD;
 - (3) Conserving property values in the HOD;
 - (4) Protecting and enhancing the attractiveness of the HOD;
 - (5) Promoting the use of the HOD for the education, pleasure, and welfare of the citizens of the City.
- B. Historic District Commission.
- (1) Organization, membership, and procedures.
 - (a) Members of the Commission shall be appointed by the City Council.
 - (b) The Commission shall consist of five regular members and up to two alternate members. All members shall be residents of the City of Laconia; one shall be a member of the Laconia City Council, and one shall be a member of the Laconia Planning Board. In determining the qualifications of a Commission member, consideration will be placed on his or her demonstrated interest and ability to understand, appreciate and promote the purpose of the District.
 - (c) The Commission members shall be appointed for staggered three-year terms. Members shall serve without compensation. In the event of a vacancy on the Commission, interim appointments may be made to complete any unexpired term.
 - (d) The Commission shall annually elect a Chair, Vice Chair, and Secretary from among its membership.
 - (e) The Commission may from time to time adopt and amend, with the approval of the City Council and public input, such rules and regulations as are consistent with the intention of this chapter and of state enabling legislation.
 - (f) The Commission shall develop and submit an annual report and request for funds to the City Council. Subject to appropriations or other income,

the Commission may employ clerical and technical assistants or consultants. The Historic District Commission may accept gifts of money or services, or grants, and may hold or expend such gifts or grants for the purposes of this chapter in accordance with the City's ordinances and policies and state RSAs. The Commission shall have an annual budget as appropriated by the City Council, and the budget will be managed by the Commission in cooperation with the Planning Department.

- (g) The decisions of the Commission shall be by vote of the majority of the Commission members, meaning all votes to approve or deny must be by three or more members regardless of the number of members present.
- (2) Powers and duties.
- (a) The Historic District Commission shall review applications within the Historic Overlay District ("Historic District" or "District"), approving, approving with conditions, or denying applications, as appropriate. The HDC may assume any other responsibilities related to the Historic District consistent with RSA 674:46-a.
 - (b) The Historic District Commission may consult and work in conjunction with the Heritage Commission toward a broader role in promoting historic preservation in general.
 - (c) Pursuant to RSA 674:44-b, the Historic District Commission may:
 - [1] Call upon City staff, citizens, abutters to applicants, and professionals, as it sees fit, for input, consultation, and recommendations on matters before the Commission.
 - [2] Conduct small area or community-wide surveys of historic, architectural, and cultural resources. This activity could be in conjunction with the Heritage Commission.
 - [3] Nominate structures and districts for listing in the New Hampshire State Register of Historic Places and National Register of Historic Places and review all proposed National Register nominations within the City; keep a record of all properties that are included in local historic districts, listed in the National Register, or determined eligible for National Register listing. This activity could be in conjunction with the Heritage Commission.
 - [4] Prepare historic resources sections of local master plans and ensure that the impacts on historical resources are considered at every level of local decisionmaking.
 - [5] Advise other local, state, and federal government entities about historical, architectural, archaeological, and cultural resources, and advocate for the identification, protection, and preservation of these resources.

- [6] Review applications for zoning amendments, variances, conditional uses, and other approvals affecting property in the Historic District.
- [7] Recommend to the Planning Board and City Council amendments to this section.
- [8] Investigate and recommend to the Planning Board and City Council new areas for designation as historic districts.
- [9] Act as a liaison between local government and individuals or organizations concerned with historic preservation.
- [10] Educate municipal officials, historic district property owners, owners of other historic properties, and the general public about the Historic District and historic preservation in general.
- [11] Participate in informational, advisory, and policy setting meetings about historic preservation issues, historic district commissions, heritage commissions, and the Certified Local Government Program of the National Park Service.
- [12] Develop and administer a system of markers and monuments recognizing individual properties in the Historic District with the cooperation of the property owner.
- [13] Coordinate with other City boards in the review of items, such as lighting or parking areas, in the Historic District or immediately abutting that might also be subject to review by those boards.

C. Designation of Historic District.

- (1) Procedures for designation. The HOD exists as a zoning overlay district. The District boundaries may be amended, and new historic districts may be designated and delineated following the amendment procedure described in Article XIV, § 235-85 of the Laconia City Code.
- (2) Criteria for designation. The following criteria should be considered when the Historic District Commission, Planning Board, and City Council deliberate the enlargement or reduction of an existing district or the creation of a new district. In any district which contains multiple properties or structures, not every property or structure need meet these criteria. Rather, the district overall should embody a significant degree of continuity, cohesiveness, integrity, and conformity with one or more of the following criteria.
 - (a) The site is identified with or significantly represents or exemplifies one or more significant cultural, social, political, economic, or military events in the history of the City of Laconia, region, state, or nation.
 - (b) The site is associated with a person or persons of historic significance.
 - (c) The site embodies distinguishing characteristics of, or quality in, design,

detailing, materials, craftsmanship, or a particular architectural style.

- (d) The site is identified as the work or representing the work of a master builder, designer, architect, engineer, or landscape architect whose individual work was influential in the development of the City, region, state, or nation.
 - (e) The site's unique location and characteristics make it an established and appreciated element or visual landmark for the community.
 - (f) The site's age, good condition, and special features make it worthy of preservation.
 - (g) The site has yielded or is likely to yield significant archaeological information.
 - (h) The site contributes to the visual continuity of the District.
- D. Identification of the Historic Overlay District. A Zoning Map of the HOD as amended, including all the notations, references, district boundaries, and other information shown thereon, is incorporated by reference as part of this section and is on file with the City Clerk. If there are any inconsistencies between the map and the listing of map and lot numbers under Subsection D(2), the listing of map and lot numbers herein shall prevail.
- (1) Locating boundaries. The district lines drawn on the HOD Map are generally on or parallel to a street, watercourse, or lot line, and shall, unless there are indications to the contrary, be deemed to be:
 - (a) On the center line of the right-of-way or watercourse;
 - (b) Parallel to the center line at the distance noted; or
 - (c) On the lot line, or parallel to the lot line, at the distance noted in Subsection D(1)(b).
 - (2) Delineation of the District. The HOD is defined as that area made up of the lots listed below, including those that are City-owned lots, as delineated on the Laconia City Tax Maps, excluding road rights-of-way. However, any buildings or portions of buildings or stone walls or portions of stone walls that are located in any road right-of-way within the boundaries of the HOD shall be subject to review by the HDC. Unless otherwise noted, all of the land composing each lot shall be considered to lie within the District. Should any of the lots listed below be subdivided or combined with other lots in the future, the new lots, or applicable portions of those new lots, that are located within the Overlay District as delineated herein, at the time that the District is established, shall be included in the HOD.
 - (a) Map 433, Block 225, Lot 83.
 - (b) Map 432, Block 142, Lot 1.

- (c) Map 425, Block 44, Lot 1.
- (d) Map 425, Block 44, Lot 1.1.
- (e) Map 432. Block 225 Lot 2.

E. Purview of the Commission.

(1) Activity within the Historic Overlay District subject to review. Approval of the HDC is required for the following activities and structures within the HOD. Approval is not required for any activity or parts of the structure that are not visible from the street at any time of the year:

- (a) Pertaining to structures within the Historic District: modifications to the exterior architectural appearance (See definition.) of the property, including erection of new structures (See definition for "Structure."), additions to existing structures, alterations to existing structures, demolition of existing structures or portions of existing structures. Also pertains to the relocation of any structure into, out of, or within the HOD.

[1] Definitions. As used in this section, the following terms shall have the meanings indicated:

EXTERIOR ARCHITECTURAL APPEARANCE — The architectural character, general composition, and arrangement of the exterior of the structure, including the kind, color, and texture of the building materials and type and character of windows, doors, light fixtures, signs, and appurtenant elements.

STRUCTURE — Anything within the HOD that is built or constructed with a fixed location on the ground or attached to anything with a fixed location on the ground, including but not limited to buildings, fences, walls, signs, light fixtures, decks, porches and steps.

- (b) Installation, modification, or removal of exterior freestanding lighting structures.
- (c) Erection, alteration, or removal of a wall or fence.
- (d) Installation of pavement or other impervious or semi-impervious material on the ground or establishment of any parking or driveway area within the area located forward of the front elevation of the building.
- (e) Installation of any new roofing material where the material, form, or color will change significantly. However, where failure to repair a roof will result in immediate damage to the structure, the Code Enforcement Officer may grant approval for emergency temporary repairs and immediately notify the HDC, which will then review the work at its next opportunity (unless exempt under Subsection E(2), below).

- (f) Signage, except for:
 - [1] Signage serving single-family residences.
 - [2] Temporary signs.
 - [3] Auxiliary signs, such as address numbers, small directional signs, and "open" signs.
 - [4] Signage placed on the inside of the building.
 - [5] Sandwich board and other portable signs.
 - (g) Building- and ground-mounted utilities and roof penetrations that would be visible from a public street within the Historic District at any time of the year, unless necessary for public safety. The Commission needs to recognize and reasonably allow equipment for new or future technology.
- (2) Activity exempt from review. No review or certificate of approval shall be required for the following:
- (a) Work performed on the interior of buildings, except for those buildings within the HOD that have been previously designated by the Historic Commission as significant for their interior architectural or artistic value.
 - (b) General maintenance and in-kind repair which does not involve any significant change in materials or the outward appearance of the structure or site.
 - (c) Installation or removal of any plant materials that does not alter the street facade.
 - (d) Any of the following items if they are situated on a building or on a lot such that no part of them will be visible from a public street within the Historic District at any time of the year: antenna, wall siding, a change in roofing material, outbuilding not exceeding 400 square feet, deck, swimming pool, fence, patio, wall, barbecue pit, satellite dish, solar panels, roof vents and other structures situated on or penetrating through the roof, septic tank, leach field, well, any other utilities, and other yard appurtenances. Temporary placement or use of any of these items that would be visible is permitted without the approval of the Historic Commission (use for less than 10 days).
 - (e) Construction, alteration, or demolition of any structure or element of a structure that the Code Enforcement Officer certifies as being the only means of avoiding an immediate health or safety emergency prior to the HDC convening a meeting to consider the matter. In such an instance, the Code Enforcement Officer shall immediately notify the Commission of his or her certification. The HDC will review such work at its first opportunity if it deems appropriate.

- (f) Painting or staining a building when the color will not change.
- (g) Colors of paint and stain applied to a residential or commercial structure that the HDC determines does not contribute significantly to the character of the District.
- (h) Utility poles, flagpoles, mailboxes, or window air conditioning units in a single-family residence or accessory apartment.
- (i) Installation of any new roofing material where the material, form, or color will not change significantly.
- (j) Items which are not explicitly addressed in this subsection but for which the proposed work clearly:
 - [1] Would not have any significant adverse impact;
 - [2] Would not be noticeable from any public street; and
 - [3] Would be consistent with the intent of this article, all as reasonably determined by the Planning Department in consultation with the HDC Chair.

F. Procedures for review of a certificate of approval.

- (1) Application. In order to be considered at the next scheduled HDC meeting, an application for a certificate of approval shall be submitted to the Laconia HDC through the Planning Department no fewer than 14 calendar days prior to that meeting. When the deadline would fall on a weekend or holiday, the application must be submitted by the next workday. In the case of a special meeting, the Chair may allow for a shorter timeframe for submission of materials. Applications must be emailed, postmarked, or hand delivered to City Hall by midnight on the day of the deadline.

- (a) Application materials.

- [1] The application package shall include the items listed below, when applicable, as determined by the HDC:
 - [a] Application form: a completed application form as provided by the Planning Department.
 - [b] Site plans: site plans when necessary to depict the proposed changes.
 - [c] Elevation drawings: elevation drawings to scale of each affected facade subject to review.
 - [d] Details: detail drawings of project-specific elements.
 - [e] Photographs: photographs of each side of any building proposed for alterations, additions or demolition, and one of the

overall sites.

[f] Samples: if requested by the Commission, provide samples, swatches, colors, and/or manufacturer's cut sheet of materials to be used as appropriate.

[g] Other items: any other items which the Commission may reasonably need to conduct its review, including perspective drawings of the subject buildings; accurate, to-scale renderings of nearby buildings; and any type of rendering, view, or model which shows the proposed construction in context.

[2] The Commission may, at its discretion, waive requirements for the submission of any or all of the above items as well as for drawings to be precisely drawn to scale on smaller or less complex projects. There is no application fee for applications to the Historic District Commission.

(b) Other requirements.

[1] Measurements. Measurements on all plans, including building heights, shall be provided in a clear manner. When revised plans are submitted, the measurements shall be provided in a manner consistent with prior plans.

[2] Revisions. When subsequent revised plans are submitted, the revised plans shall clearly indicate every change from the prior set of plans.

[3] Elements subject to review. It is the responsibility of the applicant to point out or highlight, in some clear manner, every element of the proposed project that is subject to HDC review.

[4] Changes made by other boards. When any change in the design approved by the HDC, pertinent to any element subject to HDC review, is made by another body, such as the Planning Board or Zoning Board of Adjustment, the plans shall be brought back to the HDC for review and approval.

(2) Review of the application.

(a) Determination of appropriateness. In deliberating whether to grant or deny approval, the HDC 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 article.

(b) Submission of materials and time frame. It is the responsibility of the applicant to submit all necessary items. As long as the application form itself is submitted by the deadline, the application will be included on the next agenda; however, the applicant is urged to submit all pertinent materials by the deadline (or shortly afterward in consultation with the

staff) in order to ensure that HDC members have access to the materials well in advance of the meeting and to increase the chances that the HDC will be able to take final action at the meeting (if all is in order and the application meets the requirements of this section). It is understood that some items, such as samples and swatches, may be presented at the meeting.

- (c) Pursuant to RSA 676:9, I, the HDC must take final action within 45 days of submission of the application form. In most cases this will allow for two meetings of the HDC. When additional meetings are needed, the HDC will request an extension on the timeframe. An applicant's refusal to grant an extension could be grounds for denial of the application due to an inability to fully review the proposal.
 - (d) Dialogue with applicant. The applicant may present his or her application at the Commission meeting(s). When there are aspects of the proposal which may not conform to this article, the Commission, at its discretion, may advise the applicant to find reasonable cost approaches to meet his or her objectives with a project which still conforms to the standards of this article, or may agree to certain compromises with the applicant even if the compromise does not conform to the standards of this article.
 - (e) Public hearing. The Commission is required to hold a public hearing on any application, at which time opinions of abutters and interested citizens shall be heard. Notice of the public hearing during an HDC meeting shall be sent to abutters and posted in accordance with established City policy, and advertised in a newspaper of general circulation at least 10 calendar days prior to the hearing. In the case of significant projects that involve demolition, the HDC may hold an additional public hearing any time after the start of construction to allow for concerns to be identified and conveyed to the applicant and City enforcement officials. Applicants shall be invited and encouraged to attend any such public hearing meeting, but it is not required.
 - (f) Professional advice. The Commission may seek advice from such professional, educational, cultural, or other sources as is deemed necessary. In such cases, the fees for the consultant shall be paid by the City.
 - (g) Setting parameters. When the Commission deems appropriate in dealing with violations of this section and other matters, it shall work with property owners in a flexible manner in setting time frames and other benchmarks to guide how and when specific work must be completed, recognizing that violations must be adequately addressed by the property owner.
- (3) Action on an application.
- (a) To the extent practical and appropriate, as determined by City staff, an

applicant may file applications for permits simultaneously to the Planning Board and the Commission. Reviews shall be coordinated by the City staff to ensure that all necessary approvals are obtained and are consistent with one another.

- (b) The HDC shall act on all applications within 45 days of the meeting at which the Commission accepts the application as complete. This time frame may be extended by consent, at the request of the Historic Commission or request of the applicant, for an additional period not to exceed 45 days. In cases where the HDC requests additional information/documentation/materials and continues an application from one meeting to another, the application shall be deemed to have been not complete at that first meeting unless accepted as complete.
 - (c) The Commission's decisions shall be documented, and official notification of its actions will be provided to the applicant. Failure by the Commission to act within the period of time specified above shall be deemed to constitute approval of the application as submitted. Approval, or approval by default of the Commission to act, shall be effective for two years after the date of approval. If the applicant has neither obtained a building permit (or an extension for one) nor substantially commenced work within this time frame, then the approval shall automatically be deemed null and void.
 - (d) When an application is denied, the reason(s) for the decision shall be conveyed to the applicant and clearly stated in the minutes of the Commission.
 - (e) Once approval has been issued, any proposed changes to that approval shall be brought back to the HDC for review and approval. However, if a proposed change is very minor, then the Planning Department may approve the proposed change, in consultation with the HDC Chair, provided that:
 - [1] The change is deemed to be insignificant;
 - [2] The change would be barely noticeable, if at all, from any public street located within the HOD; and
 - [3] The change would be consistent with the intent of the earlier approval.
- (4) Appeals. Any applicant, persons, or organizations aggrieved by a decision of the HDC may appeal the decision to the Laconia Zoning Board of Adjustment in accordance with RSA 674:33 and any appeal procedures specified in the City Ordinances.
- (5) Enforcement. The provisions of this article shall be enforced as provided for in Chapter 235, Article XIII, of the Laconia City Code. No building permit shall be issued for any project until the Building Inspector determines that the

proposed plan is in conformance with the design approved by the HDC. No certificate of occupancy (except for a temporary certificate of occupancy, as appropriate) shall be issued until the Building Inspector determines that the project has been built in accordance with the plans approved by the HDC. The Building Inspector shall determine in the course of regular inspections that all work is in compliance with the plans approved by the HDC. When appropriate, the Building Inspector may issue a stop-work order at his or her reasonable discretion.

G. Standards for review. The following standards shall be used by the HDC in reviewing applications for certificates of approval.

- (1) General principles (as adapted from the Secretary of the Interior's Standards).
 - (a) Every reasonable effort shall be made to minimize alteration of the significant features of the property unless necessary for public safety.
 - (b) The distinguishing original qualities or character of the property shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided where possible.
 - (c) All structures and sites shall be recognized as products of their own time. Alterations that have no historical basis or that are made to create an earlier appearance shall be discouraged. [See Subsection B(2)(c)[1] for ability to hire/consult with experts for advice.]
 - (d) Changes that may have taken place in the course of time are evidence of the history and development of the property. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - (e) Distinctive stylistic features or examples of skilled craftsmanship that characterize a property shall be treated with sensitivity.
 - (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. The HDC may help the property owner find sources of money to pay for some or all the restoration. In the event replacement is necessary, the new material should match the material being replaced in design, color, texture, and other visual qualities whenever possible. 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 if at all possible.
 - (g) Every reasonable effort should be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
 - (h) Contemporary design for alterations and additions to existing properties 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 surrounding environment.

- (i) Whenever possible, 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 structure would be unimpaired.
- (2) Elements of design. Proposals should be harmonious with existing structures within the District. The Commission shall consider historical elements of design when evaluating an application, including, but not limited to, the following:
 - (a) Scale. The scale of a building is its size relative to common reference points: e.g., the human body and nearby structures. New construction should be consistent with the dominant cornice and peak or ridge height of other nearby structures within the HOD. Inordinately low buildings create a void at upper floor levels that interrupts the feeling of enclosure. Disproportionately tall buildings overpower other structures.
 - (b) Proportions. Proportion deals with height, width, depth, and spacing relationships and is important both in the overall dimensions of the building and in its individual components.
 - (c) Signs. Proposed new signs or replacement signs shall be consistent with the original architecture and be consistent with or complementary to the original time period.
 - (d) Materials. Change in exterior materials or in the look of exterior materials shall be approved by the Commission. Certain contemporary materials may be accepted where the Commission has determined that these materials effectively capture the salient aspects of the historic materials.
 - (3) New construction. New construction is an essential process in a vital community, representing the current phase of an evolution that has been ongoing since the settlement of Laconia. Contemporary architecture may be appropriate, provided that it is respectful of the historic fabric of the District. New construction within the Historic District should be consistent with Subsection G(1) and (2), above.
 - (4) Demolition or removal. No existing building or other structure subject to review may be demolished or moved out of the Historic Overlay District until approval has been granted by the HDC. Demolition or removal from the District of a significant structure is strongly discouraged and shall rarely be permitted. An application which includes a detailed plan for the reuse of the site shall be submitted, and the Commission shall determine the appropriateness of the plan. It shall only be approved if the applicant demonstrates that 1) denial of the application would result in extreme hardship unique to the subject property or the plan for redevelopment of the site is

considered to be beneficial overall for the Historic District and the City as a whole; and 2) the Commission has approved a detailed redevelopment plan for the site. Financial hardship of the owner of the property shall not constitute a hardship for this purpose.

(5) Other issues.

- (a) Parking. New parking areas can have a significantly negative impact upon historic areas. All new parking areas for other than single-family uses should be located at the rear of buildings. Where such placement is not practicable, parking may be located at the side of buildings, provided that no part of the parking area is located forward of the front elevation of the building.
- (b) Screening. All utility elements, such as dumpsters, garbage cans, propane tanks, aboveground oil tanks, and ground-mounted air conditioning units, shall be screened and located such that they are not visible from a public way.
- (c) The U.S. Secretary of the Interior's Guidelines for Historic Preservation shall also serve as a guide for the Commission.

H. Required maintenance and demolition by neglect.

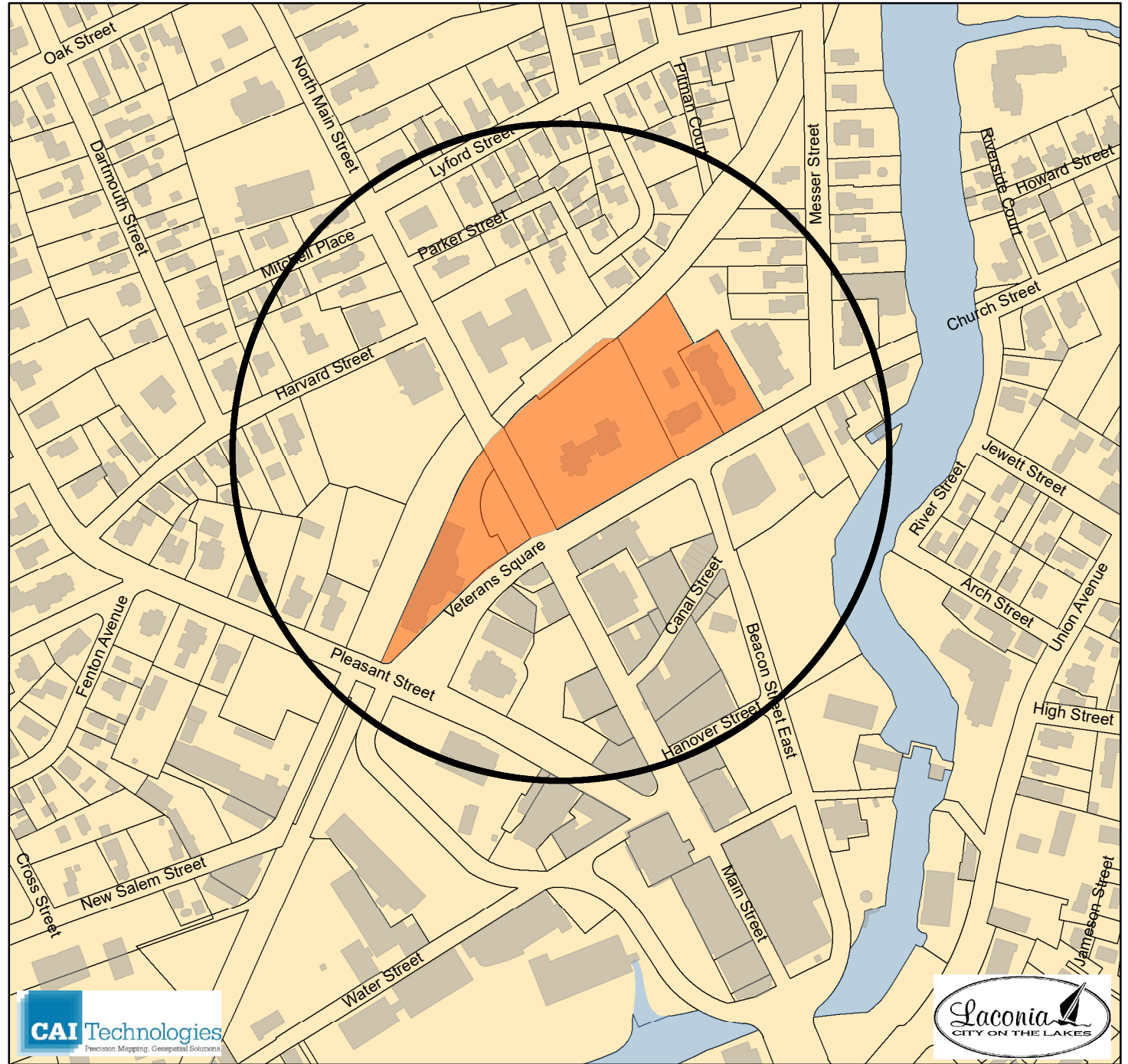
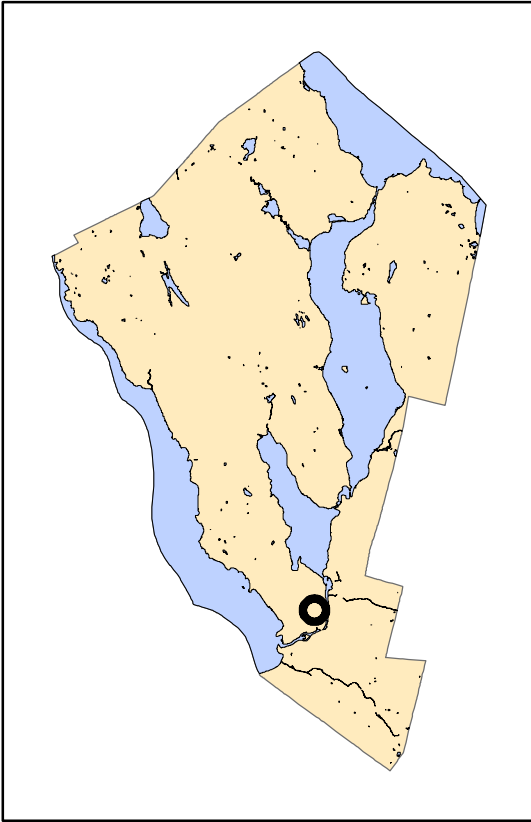
- (1) Responsibility. A property owner in the HOD is prohibited from allowing the property to deteriorate in the manner specified in Subsection H(2) and failing to correct those conditions.
- (2) Conditions. Property owners shall maintain their property to prevent the following from occurring. The HDC may take any appropriate measures in coordination with the Zoning Enforcement Official or the Code Enforcement Director to effect conformance with this requirement. Where one or more of the following is occurring, such that the level of deterioration is significant and the integrity of the property is threatened, the HDC may make a finding that the property is subject to demolition by neglect.
 - (a) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, splitting, listing, collapsing, or buckling.
 - (b) Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, collapsing, or buckling.
 - (c) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, collapsing, or buckling.
 - (d) Deterioration or crumbling of exterior plasters or mortars.
 - (e) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

- (f) Defective protection or lack of weather protection for exterior wall and roof coverings, including paint, or weathering due to lack of paint, peeling paint, or lack of other protective covering.
 - (g) Rotting, holes, and other forms of decay.
 - (h) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, wall facings, and architectural details that causes delamination, instability, loss of shape and form, collapsing, or crumbling.
 - (i) Heaving, subsidence, or cracking of sidewalks, steps, or pathways.
 - (j) Deterioration of fences, gates, and accessory structures.
 - (k) Deterioration, except by irreversible natural processes, of vegetation, trees, shrubs, plantings, and all landscaping.
 - (l) Deterioration that has a detrimental effect upon the special character of the Historic Overlay District as a whole.
 - (m) Deterioration of any exterior feature so as to create or permit the creation of any conditions hazardous or unhealthful to life, environment, or other property.
 - (n) Severely peeling or deteriorating exterior paint.
 - (o) Other conditions as determined by the Code Enforcement Officer (CEO) or the Commission.
- (3) Enforcement actions.
- (a) Upon written notification by the HDC to the Code Enforcement Director regarding noncompliance with this section, the Director shall investigate, and if in noncompliance, send written notification to the owner of the property in question, informing the owner of the noncompliance and ordering that the condition be corrected within 60 days. If the owner chooses to contest the notification with respect to either the existence of the conditions or the number of days allowed for correction, the owner may appeal to and request a hearing before the HDC no later than 30 days following the mailing of the notification. At the hearing, the owner and the Director may present evidence, after which the HDC shall enter an order affirming, modifying, or rejecting the Director's notification.
 - (b) A building permit for all repairs shall be issued by the Code Enforcement Director after having received a complaint from the HDC. Building permit guidelines and regulations will be followed and monitored by the Code Enforcement Director. If a building owner fails to comply, the Code Enforcement Director shall notify in writing the City Manager and City Council of a breach of this regulation.





- (4) Waivers and hardship cases. The HDC may grant a waiver of up to one year, from date of application, from part or all of this section in cases where strict compliance would create a financial hardship. Multiple waivers may be issued at the Commission's discretion.
- I. Appeals. Appeals of any actions taken by, or orders issued by the HDC, may be taken to the Laconia Zoning Board of Adjustment by any owner or tenant of property wholly or partly within the HOD, as well as by any other person, agency or group, if aggrieved by a ruling of the Laconia HDC. The Laconia Zoning Board of Adjustment shall hear and act upon such appeals within the periods of time prescribed by New Hampshire statutes.

Historic Overlay District

City of Laconia, NH



Legend

-  Historic Overlay District
-  Building
-  Parcel Boundary
-  Water

This data is provided for planning and informational purposes only. The City of Laconia and CAI Technologies are not responsible for any use for other purposes or for the misuse or misrepresentation of this information. Datum is referenced to the NH State Plane Coordinate System (NAD 1983).



ORDINANCE

ORD-235-21.2

CITY OF LACONIA

In the year of our Lord two thousand and twenty-one

AN ORDINANCE AMENDING CHAPTER 235, ZONING, TO UPDATE SECTION 21.2 HISTORIC OVERLAY DISTRICT, EXPANDING IT TO INCLUDE ALL THE DOWNTOWN AREA

The City of Laconia ordains:

That the Ordinances of the City of Laconia, as amended, be and are further amended in Chapter 235-21.2 as follows:

Strikethrough denotes deletion, bold denotes additions.

§ 235-21.2 Historic Overlay District.

D (2) Delineation of the District. The HOD is defined as that area made up of the lots listed below, including those that are City-owned lots, as delineated on the Laconia City Tax Maps, excluding road rights-of-way. However, any buildings or portions of buildings or stone walls or portions of stone walls that are located in any road right-of-way within the boundaries of the HOD shall be subject to review by the HDC. Unless otherwise noted, all of the land composing each lot shall be considered to lie within the District. Should any of the lots listed below be subdivided or combined with other lots in the future, the new lots, or applicable portions of those new lots, that are located within the Overlay District as delineated herein, at the time that the District is established **or amended**, shall be included in the HOD.

- (a) ~~Map 433, Block 225, Lot 83~~
- (b) ~~Map 432, Block 142, Lot 1~~
- (c) ~~Map 425, Block 44, Lot 1~~
- (d) ~~Map 425, Block 44, Lot 1.1~~
- (e) ~~Map 432, Block 225, Lot 2~~

Map-Block-Lot: 433-225-83, 432-142-1, 425-44-1, 425-44-1.1, 432-225-2, 425-44-1.2, 425-44-1.3, 425-44-86, 425-44-87, 425-44-88, 432-142-10, 432-142-11, 432-142-12, 432-142-12.1, 432-142-16, 432-142-17, 432-142-19, 432-142-20, 432-142-22, 432-142-23, 432-142-24, 432-15-25, 432-15-26, 432-15-27, 432-15-34, 432-15-35, 432-15-38, 432-161-36, 432-186-4, 432-186-5, 432-186-7, 432-186-8, 432-186-9, 432-225-3, 432-33-18.1, 432-33-21, 432-33-28, 432-33-29, 432-33-30, 432-44-31, 432-44-32, 432-44-33, 433-15-2, 433-186-1, 441-233-13, 441-233-14, 442-142-4, 442-142-5, 442-142-6, 442-142-7, 442-15-2, 442-15-3, 442-15-8, 442-233-1, 441-233-16

These amendments shall take effect upon its passage.

Andrew Hosmer, Mayor

Passed and approved this ____ day of _____, 2021.

Cheryl Hebert, City Clerk