

****DRAFT** LOCAL HISTORIC DISTRICT SECTION**

Section 203 (DRAFT)– Zoning District Description

10. Fair Haven Local Historic District

Purpose: Protect and preserve the historic architecture and area of Downtown Fair Haven.

Section 800 - Signs, General

Signs located in the Fair Haven Local Historic District shall be subject to the provisions in Section 930.

Section 930 – Downtown Fair Haven Local Historic District Regulations

1. These regulations are adopted in accordance with 24 V.S.A. §4414(1)(F) and shall apply only within the Downtown Fair Haven Local Historic District, as delineated and described in the Fair Haven Local Historic District Report prepared pursuant to 24 V.S.A. §4441. The Fair Haven Local Historic District Report documents the district's architectural, cultural, and historic significance and establishes the characteristics that warrant its preservation. The report is hereby incorporated by reference and shall be consulted when interpreting these regulations.
2. Definitions.
 - a. “Integral Resource of The Local Historic District”: A building or site within the Downtown Fair Haven Local Historic District that is identified in the Fair Haven Local Historic District Report as having a high level of historical, architectural, or cultural significance. Some provisions apply to these resources only.
 - b. “Distinctive Exterior Characteristics”: An exterior architectural feature, material, design element, or construction detail of a building or site that is of historical, architectural, or cultural significance, as documented in the Fair Haven Local Historic District Report. Some provisions apply to these characteristics only.
 - c. “Statement of Significance”: The statement included in the Fair Haven Local Historic District Report that identifies the historic, architectural, and cultural importance of a structure, or the district as a whole. Some provisions reference this statement.
 - d. “Shape”: The three-dimensional form of a building, including its height, width, depth, and roofline. “Shape” does not refer to surface details or materials.
 - e. “Obscure”: To partially or fully block, cover, or visually interfere with a “distinctive exterior characteristic” so that its shape, detail, or other specified features of significance is hidden or diminished from view.

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- f. “National Historic District”: The Fair Haven Green Historic District boundary as approved by the National Register of Historic Places. A description and map of this boundary is available in the Fair Haven Local Historic District Report. This National Register approved boundary is a subset of the Fair Haven Local Historic District and generally depicts the area surrounding the Park.
 - g. The Fair Haven Local Historic District report contains architectural definitions, which hereby incorporated by reference in this definition section.
3. Applicability. No structure within a designated historic district may be rehabilitated, substantially altered, restored, moved, demolished, or changed, and no new structure within an historic district may be erected without approval by the Fair Haven Planning Commission. This provision shall not apply to normal maintenance of a structure. This provision includes signage.
 - a. Normal maintenance shall include repainting with a similar color, replacing a broken window pane with like materials, repointing mortar, or repairing a roof with matching shingles.
 - b. Normal maintenance shall not mean changing siding material, changing building shape, altering window dimensions, adding signage, removing architectural details or slate/marble exterior, or modifying “distinctive exterior characteristics”.
4. The Planning Commission shall approve an application if it determines that the proposed work will not materially impair the historic or architectural significance of the structure or its surrounding area within the Fair Haven Local Historic District. The “statement of significance” and “distinctive exterior characteristics” shall be used as a reference to identify the features, materials, and characteristics that contribute to the historic or architectural value of the structure and its context. Compliance with the standards set forth in this Section, as determined by the Planning Commission, shall be sufficient to make such a determination.
5. For any application, the Planning Commission shall consider:
 - a. The historic or architectural significance of the structure, its distinctive characteristics, and its relationship to the historic significance of the surrounding area as documented in the Fair Haven Local Historic District Report.
 - b. The relationship of the proposed changes in the exterior architectural features of the structure to the remainder of the structure and to the surrounding area.
 - c. The general compatibility of the proposed exterior design, arrangement, texture, and materials proposed to be used, including signage.

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- d. Any other factors, including the environmental setting and aesthetic factors that the Planning Commission deems to be pertinent.
6. For any application, the Planning Commission may consult the Fair Haven Historical Society, Vermont Historical Society, any relevant historical materials, or any historical documentation provided by the applicant. Any final determination shall be made solely by the Planning Commission.
7. Exterior Modifications. Exterior modifications (excluding normal maintenance of a structure) within the Downtown Fair Haven Local Historic District shall be done in accordance with the following:
 - a. The Planning Commission may waive any requirement and approve an application for exterior modification if the applicant demonstrates that the proposed work will result in one of the following:
 - i. Removal of modern materials or alterations that presently obscure or cover historic or architectural features; or
 - ii. Exterior modifications that restore the building to its historical conditions, or bring it closer to those conditions than its current state, based on documentary evidence of historical conditions.
 - b. If an application is submitted for the alteration of the exterior appearance of a structure specified as an “Integral Resource of The Local Historic District”, the Planning Commission shall meet with the owner of the structure to devise an economically feasible plan for the preservation of the structure.
 - c. The applicant for a modification that alters the shape of a building listed as an “Integral Resource of The Local Historic District”, shall demonstrate to the Planning Commission that the modification:
 - i. Does not materially impact the historic or architectural significance of the building as specified in the “statement of significance” for that building; or
 - ii. Is necessary in addressing a safety, structural, or code compliance need, and no feasible alternative exists; or
 - iii. That the modifications will rehabilitate a historic structure that has been altered back to its original design.
 - d. The applicant for any modification of a “distinctive exterior characteristic”, as specified in the Fair Haven Local Historic District Report, shall demonstrate to the Planning Commission that the modification:
 - i. Is necessary in addressing a safety, structural, or code compliance need, and no feasible alternative exists; or

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- ii. that the modifications will rehabilitate the distinctive exterior characteristic back to its original design; or
 - iii. that the modification does not materially impact the historic or architectural significance of the building as specified in the “statement of significance” for that structure. The removal of a “distinctive exterior characteristic” shall be considered to materially impact the historic or architectural significance of the building.
- e. Slate or marble lintels shall not be painted over or otherwise covered.
- f. Boarding of windows shall only be allowed when a window is broken, in which case the applicant may install a temporarily covering (i.e. plywood or similar material) for a period not to exceed 60 days. The 60-day time period may be extended as needed for public health or safety reasons by the Planning Commission. After that 60-day period (unless otherwise extended by the Planning Commission), the applicant shall either:
- i. Repair or replace the window with similar materials and dimensions that match the original; or
 - ii. Paint the temporary covering a color that matches the surrounding exterior of the building; or
 - iii. Submit a proposal to the Planning Commission for the use of alternative materials or dimensions. The Planning Commission may approve such alternatives if it finds that the proposed solution will not materially impair the historic or architectural significance of the building or the Fair Haven Local Historic District, as specified in the “statement of significance”.
- g. No exterior addition, covering, or alteration, including but not limited to storm windows, awnings, or signage shall obscure any “distinctive exterior characteristic” when viewed from any road right-of-way within the National Historic District boundary. This provision may apply to exterior additions, coverings, or alterations on a different building than the building with the “distinctive exterior characteristics”.
- h. Original rooflines must be retained and not be obscured by additions, except when:
- i. The addition will not be visible from the road right-of-way within the National Historic District boundary.

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- ii. When the applicant has demonstrated, to the satisfaction of the Planning Commission, that the modifications will rehabilitate a historic structure back to its original design.
 - i. Unpainted masonry surfaces shall not be painted. Masonry surfaces include, but are not limited to, brick walls, and stone, marble, or slate lintels.
8. New Structures. Fair Haven Local Historic District is presently a collection of compatible architecturally and functionally diverse structures. New structures within the Downtown Fair Haven Local Historic District are not required to be in any particular architectural style, however, new structures shall be constructed in accordance with the following:
- a. The placement and use of structures shall be done in accordance with Article III of the Fair Haven Zoning Regulations to ensure compatible spacing and land use in the Local Historic District.
 - b. At least one principal entrance shall be provided for each street-facing building façade located on North Park Place, East Park Place, South Park Place, West Park Place, or South Main Street.
 - c. A non-residential structure shall have the ground floor designed for pedestrian-scale activity by the use of windows and doors arranged so that the uses occupying the first-floor street frontage are visible from the sidewalk. Examples of such design features include large storefront windows or glass doors.
 - d. New structures shall not create a false sense of historicity. Examples of false sense of historicity include new structures with faux-aged finishes, or constructing a new building as an exact replica of a historic one that was lost without making clear through design that it is contemporary.
 - e. The use of slate or marble is encouraged. Gables and porches are encouraged.
 - f. New structures shall not obscure any “distinctive exterior characteristic” when viewed from any road right-of-way within the National Historic District boundary.
9. Demolition. Demolition of a structure within the Downtown Fair Haven Local Historic District will require an applicant to demonstrate to the Planning Commission that it is not feasible to rehabilitate and/or re-use the structure in order to earn a reasonable economic return from the property.
- a. The applicant shall submit to the Planning Commission an estimate prepared by a qualified professional detailing the costs of rehabilitation, repair, and reuse compared to the expected return on investment, along with any

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supporting documentation that demonstrates the economic infeasibility of preserving the structure.

- b. As a condition of approval for demolition, the Planning Commission shall require the applicant to photographically document the structure before demolition occurs and provide the photographs to the Zoning Administrator before the Zoning Administrator may issue a zoning permit for demolition. The applicant should take photographs of the demolition itself and provide the photographs to the Zoning Administrator. The Town should provide the Fair Haven Historical Society all photographs provided by the applicant.
10. The Planning Commission shall be strict in its judgment of applications by referencing the Fair Haven Local Historic District Report.

Specific Question For Historic Preservation:

Are Interior Characteristics outside the scope of a Local Historic District?

The Planning Commission would consider regulations pertaining to preserving the former Opera House located on the third floor of the Culver Block and prevent it from be divided up. The third-floor, former opera house is a significant cultural resource to the Town of Fair Haven, as articulated in the Fair Haven Local Historic District Report and Town Plan. Is this within the scope of these regulations?