

**APRIL 25, 2024 AMENDMENTS BY HDC/ PLANNING BOARD**  
**Scheduled for Planning Board Public Hearing on May 16, 2024**

**Article 6 Overlay District**

**Section 10.633 Scope of Review**

**10.633.10 Activities Requiring a Certificate of Approval**

A Certificate of Approval from the Commission is required for any construction, **demolition**, repair, renovation or **alteration** or a **building** or **structure** except as specifically exempted under Section 10.633.20.

**10.633.20 Exemptions from Certificate of Approval**

The following activities shall not require a Certificate from the Commission but require review and certification by the Code Official:

- (1) Ordinary maintenance and repair of any exterior architectural feature, which does not involve a change in design, materials or outer appearance thereof;
- (2) Painting or repainting **structures** without regard to color;
- (3) Maintenance and repair of exterior walls, chimney repairs, entryway repairs, or deck repairs provided these are of the same design and material (including the use of lime-based mortar for repointing historic brick);
- (4) Placement or replacement of shutters that are (1) constructed of wooden material, (2) one-half the width of the sash they are covering, (3) installed with hinges and dogs, and (4) louvered, paneled or constructed of boards as appropriate to the style of the building;
- (5) Replacement roofing on existing **structures** provided that (1) the roof plane and remains the same and the material remains the same regardless of color, or (2) asphalt roofing is replaced with slate, composite-slate, or wood shingles;
- (6) Replacement of an exterior door, window or storm window, provided that (1) the same design and materials are used, or (2) materials are used that restore the original architectural features, including but not limited to the number and arrangement of window lights; using true and non-removable divided lights; and ensuring that the size of the opening does not change;
- (7) Placement or replacement of roof-mounted mechanical or electrical equipment and ventilation terminators **and roof mounted solar energy systems** where the equipment (1) is not located on a roof surface that faces or is visible from a public way, (2) ~~does not exceed 27 cubic feet, and (3)~~ does not extend more than 3 feet above the roof plane **or (3) Are installed on a flat or low sloped roof with a parapet;**

- (8) Placement or replacement of wall-mounted mechanical or electrical equipment and ventilation terminators where the equipment (1) is painted a similar color to match or blend with the wall color, (2) does not extend more than six inches out from the wall plane, and (3) does not vent directly into a public way; and where (4) all duct work or equipment feeds enter the building's interior at ground level so as not to be visible;
- (9) Placement or replacement of ground-mounted mechanical or electrical equipment (including a generator) where (1) the equipment is located behind the **structure** and is not in public view, and (2) all duct work or equipment feeds are located in the building's interior or immediately adjacent to the equipment;
- (10) Placement or replacement of storm windows, storm doors, screen windows and screen doors, provided they are constructed with wood frames, with any metal or vinyl tracks concealed by the wood frames. Window guards provided they are constructed with bars or rods of wrought iron, or metal formed and painted to resemble wrought iron. Mesh guards are not exempt;
- (11) Placement or replacement of chimney caps or bishop pots that are constructed of masonry or bluestone, or of other material with a black, dark brown or copper finish;
- (12) Placement or replacement of gas and electric meters if mounted on an exterior wall, not facing or visible from a public way. **Landscaping** or fencing may be used as a visual screen;
- (13) Construction, **alteration** or **demolition** of any **structure** or element of a **structure** that the **Code Official** documents as being necessary to avoid an immediate health or safety emergency prior to the Commission convening a meeting to consider the matter. In such instance, the **Code Official** shall immediately provide written notification to the Commission of such action;
- (14) New **signs** and refacing of existing **signs**, except that new freestanding **signs** and **signs** requiring review and approval by the **Board** of Adjustment shall not be exempt;
- (15) Awning replacement if a canvas fabric is used and no **alterations** (including but not limited to the wall fittings and fastenings) are made to the **structure**;
- (16) Placement of a temporary toilet, trailer, tent or tensile **structure**;
- (17) Accessible ramp systems on **single-family** or **two-family dwellings** provided the ramp and rail system consists of black metal modular components;
- (18) The placement, removal or replacement of wood or metal fence (except for chain-link which may only be removed) provided the replacement fence is in substantially the same location with substantially the same height, material, and design;
- (19) The replacement of exterior lighting provided the replacement lighting is substantially in the same in location with substantially the same height, material, and design;
- (20) The replacement or restoration of wood siding (including removal of non-wood

materials) provided the replacement siding is the same exposure, material, and design;

- (21) Placement or replacement of terraces, walks, **driveways**, and **sidewalks** and in-ground swimming pools provided that any such element is substantially at the existing grade plane of the property;
- (22) Placement or replacement of building accessories and décor, such as window-mounted portable air conditioning units, play equipment, residential trash enclosures, snow guards, benches, trellises, non-commercial boat rack storage **structures**, window boxes, raised planters, mailboxes less than 18" in all dimensions, flags, hose reels, door bells and knockers, weathervanes, bells, wind chimes, birdfeeders, artwork, sculpture, and other similar exterior décor,
- (23) New or replacement piers, floats, docks or gangways for **single-family** and **two-family dwellings** provided any vertical handrail support systems are constructed with metal, wire, rope or wood;
- (24) Placement or replacement of wood, brick or granite steps or landings;
- (25) Placement or replacement of a commercial solid waste enclosure provided the enclosure: (1) is fully enclosed with the use of gates; (2) is constructed of wood or stone material; and (3) is no greater than 60" in height or 100 sq. ft. in area;
- (26) Placement or replacement of wood or copper gutters and downspouts.
- (27) Parking ticket kiosks, freestanding signs and other site elements related to public parking in private parking lots when authorized under a permit from the Department of Public Works.

### **10.633.30 Administrative Approval**

**10.633.31** The Code Official may grant administrative approval for minor modifications on work for which a Certificate of Approval has previously been issued, provided that the Code Official determines that the modifications do not alter the overall quality or character of the work which had been certified as appropriate by the Commission, and indicates this determination as a written addendum to an existing Certificate of Approval. Such approval shall be subject to Historic District Commission approval at the next meeting of the Historic District Commission. A list of the administrative approvals shall be submitted to the Historic District Commission prior to the meeting and the administrative approvals shall be automatically ratified unless rejected specifically by the Historic District Commission at that meeting.

**10.633.32** **Administrative Approval for Roof Mounted Solar Energy Systems**

A property owner or authorized representative may submit for administrative approval for the installation of **roof mounted solar energy systems**, associated support structures and conduit lines provided that the application meets or exceeds the following requirements:

- (1) The placement of **roof-mounted solar energy systems** shall be minimally visible from a public way (including side facing streets) and the manner of placement shall be regular with no disjointed arrays (example: symmetrically placed or evenly spaced rectilinear arrays);
- (2) The placement of solar panels, associated support structures and conduit lines shall not cause damage to or **alteration of character defining architectural features** of the **structure** (such as installation through slate or wood shingled roofs, and the removal of chimneys, dormers or altering existing roof lines);
- (3) **Roof-mounted solar energy systems** shall be flush mounted to the roof and remain within the plane of the roof;
- (4) **Roof-mounted solar energy systems** mounted on **flat roofs** shall be set back from the edge of the roof to minimize visibility.

#### **Definitions-**

**Minimally Visible:** Barely or partially visible or does not call attention to itself or detract from any Significant Architectural Features. Visibility is assessed through a commonly accessible public way. To determine visibility, one may consider the distance and angle at which the roof-mounted solar energy system becomes visible.

**Character Defining Architectural Features:** The overall shape of the building, its materials, craftsmanship, decorative details, as well as aspects of its site and environment.

**Not Visible From a Public Way:** Any portion of a historic resource that is not visible from the public street, sidewalk immediately adjacent to the property, ~~or a place to which the public has a right of access.~~