

SECTION IV-A

ARCHITECTURAL DESIGN REVIEW ORDINANCE

4-A.1 TITLE

This Ordinance shall be known and cited as the "Architectural Design Review Ordinance."

4-A.2 EFFECTIVE DATE; ENABLING AUTHORITY

The Architectural Design Review Ordinance was adopted by the Town of Hopkinton on March 8, 2005 and is effective the same date. The authority for this Ordinance is found in New Hampshire Revised Statutes Annotated 674:16 (Grant of Power) and 674:21 (Innovative Land Use Controls).

4-A.3 LEGISLATIVE FINDINGS; DECLARATION OF PURPOSE

The Local Legislative Body of the Town of Hopkinton hereby finds and declares that:

- (a) Hopkinton's traditional villages, historical architecture and rural countryside are important elements of our community character. The citizens of Hopkinton, through the master planning process, find that these settings comprise our landscape character and help to define our community.
- (b) Public and private stewardship of these resources is fundamental to the well being of the community and to the well being of current and future generations. Non-residential development which is indifferent to our architectural heritage (such as "franchise architecture", monotonous building typical of "strip development" or "big box" retail buildings) constitutes a significant threat to the character and future of our community.
- (c) The management of future development can be guided to encourage building and site design that is functional, aesthetically pleasing and compatible with the architectural heritage of our community.
- (d) The architecture of our community is varied and necessarily will evolve as the community grows. The regulation of architectural design must allow for flexibility, creativity and innovation within the context of these guidelines.

4-A.4 VESTING OF RESPONSIBILITY

4-A.4.1 The administration of the provisions of the Architectural Design Review Ordinance shall be vested with the Planning Board.

4-A.4.2 For purposes of assisting with the review of an Application for Architectural Design Review, the Planning Board may secure the services of a Consulting Architect. The Planning Board may impose reasonable fees upon an applicant to cover its expenses associated with the use of Consulting Architects.

4-A.4.3 The Planning Board shall have the authority to adopt a fee schedule for the following purposes: (1) Filing Fee; (2) Abutter Notification Fee; and (3) Architectural Review Fee (Consulting Architect). A Public Hearing on the proposed fee schedule or any subsequent changes thereto shall be held prior to the Board's adoption of the schedule.

4-A.4.4 The Planning Board shall have the authority to develop application materials, check lists and other documents specific to the administration of this ordinance.

4-A.4.5 Pursuant to RSA 674:21, II and only in conjunction with an application for Architectural Design Review, the Planning Board may grant a special use permit to reduce the building setback that would otherwise be applicable under the Hopkinton Zoning Ordinance. Such a special use permit shall only be granted where:

4-A.4.5.1 The applicant requests the setback reduction in writing as part of the original or amended application for Architectural Design Review or the Planning Board determines the setback reduction is required to fulfill the purpose and intent of this Architectural Design Review Ordinance and one or more elements of the Building Performance Criteria set out in Section 0 of this Ordinance;

4-A.4.5.2 The evidence submitted during the public hearing process clearly establishes a practical justification for the setback reduction;

4-A.4.5.3 The Planning Board has considered the recommendations of the Fire Chief, Code Enforcement Officer and Director of Public Works, if any; and

4-A.4.5.4 The Planning Board finds on the record before it that the reduction in building setback will not be detrimental to public health, safety or welfare.

4-A.5 APPLICABILITY

4-A.5.1 Planning Board approval of an Application for Architectural Design Review shall be required prior to the issuance of a building permit for the following activities:

4-A.5.1.1 New building construction to be used for non-residential or multi-family purposes; or

4-A.5.1.2 Additions or alterations to buildings used for non-residential or multi-family purposes which increase or decrease the square footage of the building; or

4-A.5.1.3 Renovation, rehabilitation or reconfiguration of building exteriors where such buildings are used for non-residential or multi-family purposes.

4-A.5.2 Planning Board approval of an Application for Architectural Design Review shall not be required prior to the issuance of a building permit for the following activities:

4-A.5.2.1 Residential building construction including single family, two family and related accessory structures; and

4-A.5.2.2 Routine exterior repair or maintenance of structures used for non-residential or multi-family purposes, which do not alter the existing exterior design; and

4-A.5.2.3 Interior alterations or renovations of structures used for non-residential or multi-family purposes; and

4-A.5.2.4 Changes of use or occupancy of structures that do not include any of the regulated activities identified in Section 0.

4-A.6 PERFORMANCE CRITERIA

4-A.6.1 The Performance Criteria contained in this section are intended to encourage building architecture that is complementary to the community. Each application represents unique circumstances, challenges and opportunities that must be taken into account in both the design and design review processes. It is intended that the criteria be administered with flexibility and consistency in order to allow for responsive, creative and innovative architectural designs. The criteria are not intended to dictate specific building styles, or to mandate historical preservation, restoration or replication.

4-A.6.2 In order to approve an Application for Architectural Design Review, the Planning Board shall find that the application demonstrates substantial conformity with the following Performance Criteria:

4-A.6.1 General Criteria

- (a) The proposed building design is consistent with the purposes of this Architectural Design Review Ordinance;
- (b) The proposed building design demonstrates sensitivity towards and is complementary to, the architectural heritage of Hopkinton, New Hampshire.

4-A.6.2 Building Criteria

- (a) ***Building Orientation:*** How a building is positioned or located on a site can complement or detract from the site and/or the architectural character of the surrounding area. The orientation of proposed buildings should take into consideration building setbacks, spacing between buildings, alignment of building(s), open spaces, access and circulation areas, as may be evidenced in the development pattern of the surrounding area or as determined to be appropriate by the Planning Board; and
- (b) ***Building Scale and Proportion:*** Building elevations, scale, massing and the proportional relationship between structures can complement or detract from the architectural character of the surrounding area. Building designs should be compatible with or provide a harmonious transition from adjacent sites. The scale and proportion of proposed buildings should take into consideration the scale and proportion of surrounding buildings, as evidenced in the development pattern of the surrounding area, and should also take into consideration natural features, historically significant buildings or features and surrounding land uses. Visual conflicts between properties should be minimized; and
- (c) ***Roofline:*** Rooflines can provide visual interest and help to reduce the mass of a building. Traditional roofline types such as gabled, hipped, and gambrel that are evidenced in Hopkinton's architectural heritage are strongly encouraged. Type, shape, pitch and direction of roofs should be considered in the design. Flat roofs are strongly discouraged; and
- (d) ***Massing:*** The physical bulk or mass of buildings, particularly larger or elongated ones, can either enhance or detract from the architectural character of the community. Structures should be carefully designed to break up their mass into smaller visual components providing human scale, variation and depth; and
- (e) ***Architectural Features and Details:*** Architectural features and details such as cornices, columns, corner trim, doorways, entrances, windows/trim, awnings, dormers, porches, etc., can provide or enhance visual interest, provide a pedestrian scale and help

mitigate negative effects of building mass. Architectural features and details should be considered in every building design. Traditional features should be considered in every building design. Traditional features and details associated with Hopkinton's architectural heritage are strongly encouraged; and

(f) **Materials, Texture and Color:** Exterior building materials, texture and colors should be treated as significant design elements that help define the appearance of a structure and create visual interest. The use of traditional materials that are consistent with Hopkinton's vernacular or indigenous architecture, or materials having the same visual effect, are strongly encouraged. Consideration should be given to the materials, textures and colors used in the neighborhood; and

(g) **Building Facade:** Facades for new or renovated structures should provide visual interest from all visually accessible sides. Windows, doorways and architectural detailing and patterns should complement the building form and historical context. Facades should be designed to establish a complementary relationship with other site considerations such as pedestrian scale and orientation, signage, landscaping and lighting; and

(h) **Building Renovation or Addition:** Where an existing building has features that are consistent with the Performance Criteria, proposed renovations or additions should be designed to respect the proportions, patterns, detailing, materials, etc., of the original building. Where the existing building does not have features that are consistent with the Performance Criteria, the owner/applicant is encouraged to upgrade the structure to meet the Performance Criteria; and

(i) **Signs:** Signs should be designed to meet the needs of individual uses while complementing the building, the site and its surroundings. The design of building-mounted signs should complement, not detract from the architectural features of the building. Signs should be scaled to the architectural elements that surround it. Consideration should be given to sign form, color, lighting and materials that are compatible with the building and its surroundings; and

(j) **Gateways and Scenic Resources:** Some places in Hopkinton contribute to the landscape character of the community because of their location and scenic qualities. Many such properties and approaches acts as gateways, providing first impressions and reinforcing Hopkinton's sense of place. Consideration should be given towards complementing these resources through the careful citing of new buildings, and the application of the Performance Criteria; and

(k) **Design Continuity:** Each building design, from the simple to the complex, requires the coordination of multiple design elements such as architectural style, form, massing, materials, detailing, etc. The proposed building design shall demonstrate coordination of design elements and an overall design continuity.

4-A.7 WAIVER PROVISION

4-A.7.1 The Planning Board may grant waivers to the requirements of this Architectural Design Review Ordinance provided that a majority of the Planning Board finds that the criteria set forth in Section 15.8.3 of the Hopkinton Zoning Ordinance regarding "variances" have been satisfied.

4-A.7.2 In approving waivers, the Planning Board may impose such conditions, as it deems appropriate to substantially secure the objectives of the standards or requirements of this Architectural Design Review Ordinance.

4-A.7.3 A petition for any such waiver shall be submitted in writing by the applicant for Planning Board review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant in support thereof.

4-A.8 APPEALS

A decision of the Planning Board made pursuant to this Architectural Design Review Ordinance shall not be appealed to the Zoning Board of Adjustment, but may be appealed only to the Superior Court as provided by RSA 677:15 and RSA 676:5, III.

4-A.9 TERMS AND DEFINITIONS

4-A.9.1 Approval of an Application for Architectural Design Review: Shall mean the granting of a special use permit as provided for in RSA 674:2, II.

4-A.9.2 “Exterior Repair”: Shall mean activities such as replacing broken window glass, fixing a leaking roof, replacing clapboards, re-pointing a chimney or in-kind structural repairs.

4-A.9.3 “Exterior Maintenance”: Shall mean activities such as painting, cleaning, replacement of building features such as doors, windows, clapboards, roofs, etc.

4-A.9.4 “Non-residential Use”: Shall mean all uses allowed by right or by special exception (commercial, industrial, institutional, etc.) as provided for in the Zoning Ordinance, excluding single family and two family residential uses.

4-A.9.5 “Multi-family Use”: Shall have the same meaning as in Section 2.1.D.8. of the Hopkinton Zoning Ordinance.

4-A.10 SAVINGS CLAUSE

Where any provision of this Architectural Design Review Ordinance is found to be invalid, such determination shall not affect the validity of the remainder of this Ordinance.