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Historic Preservation

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- [List of towns with Heritage Commissions](#) , as self-reported by municipalities responding to the annual OEP survey of municipal information.
- [NH Preservation Alliance](#)
 - [Preserving Community Character: A Preservation Planning Handbook for New Hampshire](#)
This is the definitive source for information on New Hampshire historic district ordinances and regulations prepared by Elizabeth Durfee Hengen of Concord, and published by the NH Preservation Alliance, with the assistance of other local, state and national historic preservation agencies and organizations.
- [NH Division of Historical Resources](#)
 - [Tools for Preserving Barns](#)
 - [Energy Efficiency, Renewable Energy and Historic Preservation: A Guide for Historic District Commissions](#) 

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- [RSA 472:6 Removing or Altering Boundary Markers](#)
- [RSA 236:13 Driveways and Other Accesses to the Public Way](#) (see section V)
- [Stone Walls - Breach & Removal, Law Lecture #1, Fall 1996](#) 
- [NH Division of Historical Resources \(DHR\)](#)
The DHR has a collection of fact sheets on stone-wall-saving initiatives, and other related information

including a model petition and warrant article for adopting stone wall protection provisions. There are an increasing number of local inventory projects to locate, record, and protect historic stone structures (cellar holes, foundations, walls, culverts, bridges, dams, etc.).

- [Londonderry Site Plan Review Regulations](#) 

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Governor Hugh J. Gallen State Office Park
Johnson Hall, 3rd Floor | 107 Pleasant Street | Concord, NH 03301
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Editor's note— Ord. No. O-2009-09-B, adopted June 18, 2009, deleted the former § 18-331, and enacted a new § 18-331 as set out herein. The former § 18-331 pertained to definitions and derived from Ord. No. O-2002-05, § 2507.1 adopted July 18, 2002.

Sec. 18-332. - Criteria.

Except for buildings located in the historic district as defined under article V, any building or part of a building in the city will fall under the provisions of this article where:

- (1) The proposed demolition is greater than 500 square feet of gross floor area; and
- (2) The building was constructed more than 50 years before the date of application for demolition permit, or is listed or is eligible for listing in the National Register of Historic Places, or is located in an established historic district.

(Ord. No. O-2002-05, § 2507.2, 7-18-2002; Ord. No. O-2009-09-B, 6-18-2009)

Sec. 18-333. - Procedure.

When an application for a demolition permit, or a building permit involving demolition, or a site plan review involving demolition is made, or a formal written application is submitted to the code administrator for a determination under this article, the code administrator will determine if the building, or section of the building, meets the above criteria. If it does, the code administrator shall:

- (1) Forward a copy of the application to the demolition review committee.
- (2) Within five business days of its receipt of a copy of the application, the committee shall issue a preliminary recommendation regarding the granting of a demolition permit. If the committee issues a recommendation in favor of the granting of such a permit, a demolition permit shall be issued. If the committee determines the building to be potentially significant as defined by subsection 18-333(3), it shall issue a recommendation in opposition of granting the demolition permit. If the committee recommends against granting the demolition permit, within two business days of that decision the code administrator or his designee shall notify the applicant that a sign identifying the building as proposed for demolition is ready for posting in a visible location on the premises. Posting of the sign within five business days of receiving notification from the code administrator shall be the responsibility of the applicant. When the committee issues a recommendation to delay the granting of a permit for demolition, no permit shall be issued until a more thorough investigation is undertaken and a final written recommendation is provided by the committee to the code administrator. Investigation and recommendation shall be completed within 30 calendar days of the committee's receipt of a copy of the application.
- (3) During the maximum 30 calendar-day-period, the committee shall meet with the property owner and conduct such public hearings and investigations as it may determine to be necessary in the formulation of its written recommendation regarding the granting of such permit. The committee shall consider the following criteria in its deliberation:
 - a. The building or structure is of such interest or quality that it would meet national, state or local criteria for designation as a historic, cultural, or architectural landmark.
 - b. The building or structure is of such unusual or uncommon design, texture, or materials that it could not be reproduced or could be reproduced only with great difficulty and expense.
 - c. The building or structure is of such architectural or historic interest that its removal would be to the detriment of the public interest.
 - d. Retention of the building or structure would help preserve and protect a historic place or area of historic interest in the city.

(Ord. No. O-2002-05, § 2507.3, 7-18-2002; Ord. No. O-2009-09-B, 6-18-2009)

Sec. 18-334. - Demolition review committee responsibilities.

It is the responsibility of the demolition review committee to:

- (1) Make a decision within five business days of receipt of the demolition application as to whether the building might be significant within the standards and specifications provided above. If no decision is made within five business days, the application will be deemed to be approved and the permit may be issued.
- (2) Hold a meeting between the demolition review committee and the applicant (or applicant's representative) to discuss alternatives to demolition if the committee determines the building is significant and its loss potentially detrimental to the community.

(Ord. No. O-2002-05, § 2507.4, 7-18-2002)

Sec. 18-335. - Demolition.

- (a) If no alternatives to demolition have been identified and agreed to by the applicant after the meeting provided for in the preceding section, the applicant is free to proceed with demolition provided a permit is issued by the code enforcement department. Prior to demolition, and if the applicant is in agreement, the demolition review committee shall photographically document the building. The committee shall also encourage the applicant to salvage significant architectural features.
- (b) Nothing in this article shall be construed to prevent immediate demolition where the public safety is at stake and the building has been determined by the code administrator to be a public hazard and demolition is the only viable recourse.

(Ord. No. O-2002-05, § 2507.5, 7-18-2002; Ord. No. O-2009-09-B, 6-18-2009)

Secs. 18-336—18-349. - Reserved.

Town of Fitzwilliam

Historic Fitzwilliam

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HISTORY AT STAKE

1881 school house facing demolition

RYE — A public hearing on Thursday may help decide the fate of the old South School House, built in 1881.



COMMENT 0 Recommend 121 0



A public hearing will be held Thursday, Nov. 13 in Rye to seek a way to save the 1881 South School House, which may be demolished. Courtesy photo

By Karen Dandurant news@seacoastonline.com

Posted Nov. 11, 2014 at 1:27 PM

RYE — A public hearing on Thursday may help decide the fate of the old South School House, built in 1881.

The red brick structure at 495 Central Road will be discussed by the Rye Demolition Review Committee on Nov. 13 at 9 am. at Rye Town Hall. The discussion will center around a proposal to demolish the building and public input is sought.

Selectman Priscilla Jenness said the building is one of four one-room school houses that used to be in town. In fact, her grandfather used to be on the school board for the South School, which is a few buildings down from her home.

"One of his duties used to be to cut wood for the stove," Jenness said. "My mother and my aunt went there, as did a lot of well known named families in town. I have a picture of my aunt on the steps. I'd hate to lose the building. We have lost a lot of old buildings in town."

Resident Arthur Splaine is the former owner. He said he sold it about six weeks ago to Joseph Roy of Hampton.

"I wanted to restore it, but honestly it proved unfeasible in terms of what it would have cost," said Splaine, a retired lobsterman.

Alex Herlihy, who sits on the review committee, is also a member of the Rye Civic League, Rye Heritage Commission and Rye Historical Society. He said he hopes to see a lot of people attend the public hearing with ideas about what can be done to save the building. He said the new owner will be at the meeting and people can discuss ideas with him.

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"We had hoped that someone would buy it and save the building," Herlihy said. "However, the new owner has submitted a proposal to demolish it. The proposals go before the demolition review committee, which is a subset of the Heritage Commission. We are an advisory board only with no authority to make decisions, but we are hoping that if enough people come with ideas, we can find a way to restore it where it is, or even move it off of the property."

The building needs work. Building inspector Peter Rowell said the building could be renovated, but not easily.

"The former owner started some demolition to the rear, hoping to add on," Rowell said. "It would need electrical, plumbing and a new septic system."

Herlihy said since he looked at it over the summer, it has been further damaged. Still, he said, it is a significant building in the town. It is one of three old school houses remaining, with a wood one and a stone one now being used as private residences. The South School House had been used a residence since the 1930s, and until fairly recently, Herlihy said.

"I have no idea how, but the back wall has been completely opened to the elements and windows have been broken," he said. "It looks very different from when I last saw it. When I saw it this summer, I felt work could be done to save it. The previous owner had been cleaning it out to make it possible for it to remain a residence. There is a great old fireplace in there and even some of the old blackboards, with writing. I took pictures for the historical society."

Spaine said there were two blackboards - one still had music on it and the other a math problem. "I have one of the original desks from the school room," he said.

Moving the building is also possible, said Herlihy, but added, the problem is finding a property to move it to. Another problem, he said, is that the town does not have zoning to prevent old buildings from being torn down.

The Rye Civic League is urging people to attend the hearing.

"The new owner of the property on Central Road, which was the old South School House built for \$3,000 back in 1881, has presented an application to demolish it to the Demolition Review Committee," said Mae Bradshaw, chairman of the DRC, in an email to members and other interested parties. "Given the limits of the DRC's authority, we can hold a public meeting and salvage what we can, but not ultimately prevent the demolition."

Jenness said if the building were determined to have historic value, options could be sought. But, she said otherwise, the town cannot prevent the demolition.

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Amherst	Hillsborough	NRPC	<input checked="" type="checkbox"/>
Bedford	Hillsborough	SHNPC	<input checked="" type="checkbox"/>
Bradford	Merrimack	CNHRPC	<input checked="" type="checkbox"/>
Bristol	Grafton	LRPC	<input checked="" type="checkbox"/>
Canaan	Grafton	UVLSRPC	<input checked="" type="checkbox"/>
Canterbury	Merrimack	CNHRPC	<input checked="" type="checkbox"/>
Claremont	Sullivan	UVLSRPC	<input checked="" type="checkbox"/>
Concord	Merrimack	CNHRPC	<input checked="" type="checkbox"/>
Danville	Rockingham	RPC	<input checked="" type="checkbox"/>
Dover	Strafford	SRPC	<input checked="" type="checkbox"/>
Durham	Strafford	SRPC	<input checked="" type="checkbox"/>
Effingham	Carroll	LRPC	<input checked="" type="checkbox"/>
Exeter	Rockingham	RPC	<input checked="" type="checkbox"/>
Fitzwilliam	Cheshire	SwRPC	<input checked="" type="checkbox"/>
Gilford	Belknap	LRPC	<input checked="" type="checkbox"/>
Gilmanton	Belknap	LRPC	<input checked="" type="checkbox"/>
Goffstown	Hillsborough	SNHPC	<input checked="" type="checkbox"/>
Hampstead	Rockingham	RPC	<input checked="" type="checkbox"/>
Hampton Falls	Rockingham	RPC	<input checked="" type="checkbox"/>
Hancock	Hillsborough	SwRPC	<input checked="" type="checkbox"/>
Harrisville	Cheshire	SwRPC	<input checked="" type="checkbox"/>
Hebron	Grafton	LRPC	<input checked="" type="checkbox"/>
Henniker	Merrimack	CNHRPC	<input checked="" type="checkbox"/>
Hillsborough	Hillsborough	CNHRPC	<input checked="" type="checkbox"/>
Hollis	Hillsborough	NRPC	<input checked="" type="checkbox"/>
Jaffrey	Cheshire	SwRPC	<input checked="" type="checkbox"/>
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Rochester	Strafford	SRPC	<input checked="" type="checkbox"/>
Rye	Rockingham	RPC	<input checked="" type="checkbox"/>
Salem	Rockingham	RPC	<input checked="" type="checkbox"/>

MunicipalityName	County	RPC	Historic District Ordinance
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Sandwich	Carroll	LRPC	<input checked="" type="checkbox"/>
Somersworth	Strafford	SRPC	<input checked="" type="checkbox"/>
South Hampton	Rockingham	RPC	<input checked="" type="checkbox"/>
Temple	Hillsborough	SwRPC	<input checked="" type="checkbox"/>
Wakefield	Carroll	SRPC	<input checked="" type="checkbox"/>
Weare	Hillsborough	SNHPC	<input checked="" type="checkbox"/>
Winchester	Cheshire	SwRPC	<input checked="" type="checkbox"/>
Windham	Rockingham	SNHPC	<input checked="" type="checkbox"/>
Wolfboro	Carroll	LRPC	<input checked="" type="checkbox"/>



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

State of New Hampshire, Department of Cultural Resources
19 Pillsbury Street, Concord, NH 03301-3570
TDD Access Relay NH 1-800-735-2964
www.nh.gov/nhdhr

603-271-3483
603-271-3558
FAX 603-271-3433
preservation@dcr.nh.gov

PROTECTING HISTORIC RESOURCES THROUGH DEMOLITION REVIEW

BY EMILY PAULUS, PRESERVATION PLANNER

Earlier this year, a local New Hampshire paper reported a Massachusetts developer's plans to demolish an early 19th-century house that was eligible for listing on the National Register of Historic Places. While it turned out the developer was only planning to demolish a 1950s barn on the property, the brief scare was enough to awaken residents to the fact that any historic building in the community could be torn down on a whim – even those listed on or eligible for the National Register. This scenario has played out in countless communities across the state, and has led many to take proactive steps to prevent the demolition of historically significant buildings. One approach is through the establishment of a demolition review process.

What is Demolition Review and How Does it Work?

Demolition review is a preservation tool that ensures potentially significant buildings and structures are not demolished without notice to the community and review by a heritage or historic district commission. A demolition delay ordinance can be adopted as an amendment to the building code, implemented as a stand-alone ordinance, or as a bylaw in an existing historic preservation or zoning ordinance. This legislation can be a very effective tool in helping to protect historically significant resources in the community. A demolition delay ordinance or bylaw cannot prevent demolitions indefinitely, ensure that demolition will be avoided, or prevent demolition of any and all “old” buildings or structures within a given community. Rather, the process allows for review of proposed demolitions to assess a building's historical significance. If the building is determined to be historically or architecturally significant, the issuance of the demolition permit is delayed for a specific period of time – typically anywhere from 30 to 90 days, but in some cases up to 12 months. While this may sound like a lengthy period for an owner to wait, a major construction project typically involves many months of planning before actual demolition will occur; most construction projects take a year or more to get through concept and site planning, design and drawing, local reviews and approvals, and finally permitting before even getting to the construction phase. If demolition review is conducted during the early conceptual stages of project development, alternatives can be explored in earnest and without undue hardship to the applicant.



During the delay period, a public hearing is scheduled where the review body, building owner, and members of the community can consider alternatives to demolition and options for preserving the building. Successful alternatives might include incorporating the building into the design of the project, selling the property to a purchaser interested in rehabilitating the building, or finding alternative sites for the proposed project. If no feasible alternatives can be found, the delay period can allow the building to be documented and for architectural features to be salvaged.

What Actions Trigger Demolition Review?

Most demolition review procedures are triggered by the filing of a demolition permit, but they can also begin in other ways, such as when an application for site plan review has been submitted and the intent to demolish a building is indicated, or when the building or code inspector receives a letter of intent to demolish. An effective demolition review ordinance defines what constitutes a demolition. In most cases, demolition is generally defined as the act of either demolishing or removing fifty percent or more of the roof area or exterior walls, or any exterior wall facing a public street.

What Properties Are Subject to Review?

A demolition review ordinance should spell out specific criteria for determining which properties are subject to review. Most communities require some level of review for all buildings or structures at least fifty years old, but others have restricted review to those at least one hundred years old. Other communities have applied demolition review to properties previously identified through a historic resources survey or listed on the State or National Register of Historic Places. Finally, some communities decide to apply protection to a specific geographic area, such as a downtown or Main Street. In most cases, the historic resources survey or tax assessment records can verify the age of a building proposed for demolition. If no survey information exists, the burden of establishing the date of construction can rest on the applicant, or can be left to the review body. Once a building or structure has been determined to meet the age or geographic criteria, the review body – often with the assistance of municipal staff – typically determines whether it is significant. Significance can be determined by analyzing the building’s association with historic persons or events, or with the architectural, cultural, economic, or social history of the community. The review process works best when a historic resources survey exists to verify a building’s age, as well as its architectural and historical significance, or where there is properly trained municipal staff to assist with the necessary research. In both Keene and Concord, for example, the demolition review committee, which is comprised of three members of the Heritage Commission, is responsible for conducting the initial review, making the official determination of significance, and holding the meeting to explore alternatives.

Why Do Communities Need Demolition Review?

Many communities in New Hampshire are experiencing rapid population growth. This growth can lead to development pressure in older neighborhoods and unanticipated “teardowns,” which can slowly erode community character and identity. A demolition review ordinance allows a community to proactively prevent the demolition of historically significant buildings. Demolition review works best when it is paired with other preservation tools and policies, such as heritage or historic district commissions or completion of a historic resource survey. In cases where a community can not garner the local or political support for a local historic district, demolition review can be the only viable means for preventing the loss of significant buildings. Communities with demolition review in place, such as Concord, report wide success in preventing the loss of significant buildings.

How Does a Community Get Started?

Start by talking to the Division of Historical Resources, who can answer specific questions and assist in mapping out a successful education and outreach effort. Research and talk to communities with successful demolition review programs, and review their ordinances (though avoid copying an ordinance verbatim – it should always be tailored to the specific needs of the community). New Hampshire communities with demolition review in place include Concord, Keene, Weare, and Stratham. Set up an informational meeting with your local Heritage or Historic District Commission and Planning Board, and invite an expert to answer questions. Remember that the Preservation Planner at the Division of Historical Resources is available to meet with your organization at any time and provide technical assistance. Prepare a handout with frequently asked questions, and photos of significant buildings in your community. Grants may also be available to hire a preservation consultant to assist in drafting the ordinance.

RESOURCES FOR DEMOLITION REVIEW

Hengen, Elizabeth Durfee. *Preserving Community Character: A Preservation Planning Handbook for New Hampshire*. New Hampshire Preservation Alliance, 2006. See page 9.

Miller, Julia H. *Protecting Potential Landmarks Through Demolition Review*. National Trust for Historic Preservation, 2006. See www.nationaltrust.org/teardowns/Demolition_Review.pdf.

Norton Historical Commission, *Demolition Delay By-Law Q&A*. See <http://www.nortonma.org/documents/Norton%20DemoDelay%20FAQ.pdf>.

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Locally Designated Historic Districts

PURPOSE

RSA 674:45 As expressed in state law, the preservation of cultural resources, and particularly of structures and places of historical, architectural and community value, is a public purpose.

A local historic district is one of the most effective and comprehensive mechanisms to manage change in a historic area. Its purpose is to preserve the significant character of an area, while accommodating and managing change and new construction in accordance with regulations developed by local consensus. Specifically, a historic district preserves elements of a municipality's cultural, social, economic, political, community and architectural history; conserves property values; fosters civic beauty; strengthens the local economy; and contributes to the education, pleasure and welfare of its citizens. One or several of these purposes might apply within a community, but all are valid and supportable by state law.

A historic district is not the same as an outdoor museum. It is not frozen in time, nor is its purpose to bring everything back to a particular time period. The purpose of a historic district is to ensure that new construction and significant renovation are respectful of existing character.

A local historic district is established by municipal council determination or by a town majority vote, depending on how the municipality is governed. Most districts are created as an overlay zoning district. The district is administered by a historic district commission or a heritage commission with such authority, either guided by officially adopted rules and regulations.

WHAT QUALIFIES AS A HISTORIC DISTRICT?

Every area within a community has a unique character, resulting from the way life has been lived there over time. If sufficient character remains to convey the history of a particular place, it may be a candidate for a historic district. Each municipality has the authority to determine which areas should be considered for such protection. The physical attributes of and types of resources within a district will vary widely from district to district, but they should include the full range of

resources (buildings, structures, objects, etc.) that reflect its character, including the setting around and among them. The nature of the streetscape, landscape and views plays a major role in defining the character of a district. Within a historic district, the majority of the resources will usually be at least fifty years old, the typical threshold for being considered historical.

A historic district might include the buildings anchoring the junction of two early roads, or it might include an entire downtown. It might include several farmsteads along a rural road, or summer cottages grouped around a lake. Its size will depend on both the physical characteristics of the area and local objectives. The more than sixty historic districts in New Hampshire to date are found in every county and range in size from a dozen buildings to several hundred. They are both rural and urban in character.

Many communities employ historic district designation in conjunction with other planning measures to achieve the objectives of local planning efforts.

ESTABLISHING A HISTORIC DISTRICT

APPOINTING A HISTORIC DISTRICT COMMISSION

RSA 673:1.II & 674:44-b.III

The first step in establishing a historic district is to establish a historic district commission. There must be a commission before there can be a district. If a municipality already has a heritage commission, it can choose to have that commission assume the composition and duties of a historic district commission.

Articles to establish a commission are included on the warrant either by direct action of the selectmen, or as a petitioned article. If submitted as a petition, the petition must be signed by twenty-five registered voters or 2% of the town's registered voters, whichever is less, but in no event shall fewer than ten registered voters be sufficient.

Sample Warrant Articles To Establish A Historic District Commission

FIRST ARTICLE To see if the Town will vote to establish a Historic District Commission in accordance with the

The New Hampshire legislature has granted broad authority to communities regarding establishing a historic district.

provisions of RSA 673 and RSA 674, or take any other action relating thereto.

SECOND ARTICLE To see if the town will vote to authorize the Board of Selectmen to appoint three [or five or seven] citizens as members of the Historic District Commission pursuant to the provisions of RSA 673:4 and RSA 673:5, and to appoint not more than five additional citizens as alternate members, or take any other action relating thereto.

Sample Council Motion To Establish A Historic District Commission

I move that a historic district commission be established pursuant to RSA 672-677. Three [or five or seven] citizens shall be appointed as members of the historic district commission pursuant to the provisions of RSA 673:4 and 673:5 and up to five additional citizens shall be appointed alternative members pursuant to the provisions of RSA 673:6.

HISTORIC DISTRICT COMMISSION MEMBERSHIP

RSA 673:4, 673:6 & 673:11

The historic district commission must have at least three members and no more than seven. Each member must be a resident of the municipality in which the district will be created, and one member must be a member of the local governing body. Unless a district is extremely small, it is useful to have one member be a property owner within the district. It is also useful to appoint a member of the planning board to facilitate the business and deliberations of both bodies, as applications for site plan review, subdivisions or signs may come before both. Citizens with a background in construction, architecture, landscape architecture, historic preservation, history, planning, real estate or law would be good candidates for the remaining slots. Members of the historic district commission may serve on other municipal boards and commissions.

In making appointments, the appointing authority must take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purposes of the historic district commission. This is particularly critical once the district ordinance has been

passed, and the commission is functioning as a land use board. The effectiveness of any historic district depends to a great extent upon the ability of its commission members to carry out its purpose. Take the time to develop interview questions for potential members. At a minimum, candidates should be familiar with, and in agreement with, the district ordinance and its regulations. They should be capable of making difficult decisions for the greater good of the community and willing to attend an annual training session. They should also be committed to regular attendance at commission meetings, since experience is critical in making informed, consistent decisions.

Up to five alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate has full voting powers. Alternates can be critical in ensuring a quorum is obtained, and the commission's business can be carried out. (Note that if the ex officio commission member representing the local governing body is absent, only the alternate previously designated to serve in his place can fill that slot.) Inclusion of alternates also serves to train prospective members. Alternates should be encouraged to attend all meetings and participate fully in all discussions, regardless of whether they are able to vote on a particular matter.

RSA 673:5

As with other land use boards, historic district commission terms are for three years and should be staggered, so that no more than half of the appointments occur annually, except when vacancies need to be filled. A quorum is determined by a majority of the membership. After the commission has been appointed, members elect a chairman and create and fill other offices as they deem necessary. Terms of office are for one year, and officers are eligible for reelection.

Once a commission is up and running, and particularly after the historic district has been established, existing members should be proactive about recruiting prospective new members.

The Amherst Historic District Commission developed a set of interview questions for potential members. They are listed at the end of this chapter.

settlement and indicate how parcels were associated under particular owners. This type of boundary is useful when the edges of the district are not visually clear.

Visual edge—boundaries can be set by a visual edge when there is a concentrated group of buildings with similar periods, styles, types or uses. Another type of visual edge can be topographical features, such as a river or ridge line. A third type can be constructed elements, such as a railroad line.

Architectural integrity—changes in integrity can affect boundary lines if alterations are sufficiently major that the altered buildings no longer relate to those with a higher degree of integrity. However, the altered buildings might provide a critical buffer and their future development could impact the district in either a positive or negative fashion.

Tax maps or legal lines—a district might be defined by reference to lot lines and street intersections, or boundaries might follow lines set by wards or school districts.

Most often, final boundary lines will combine several of these options. For example, a rural village center might be defined by rear lot lines in some areas and topographical features in others. As long as there is a sound justification for the boundary, and it is accurately written and/or identified on a map, a court challenge is unlikely. There are numerous zoning legal cases that uphold the drawing of a boundary line somewhat arbitrarily, because the line needed to be drawn somewhere.

DRAFTING THE ORDINANCE

After the historic district commission has defined the limits of the proposed district and determined its historic character and purpose, the next step is to draft the ordinance. An ordinance outlines the authority of the district and provides the legal framework for all decisions made by the historic district commission. The best ordinance is simple and concise and leaves the detailed functioning of the district to the regulations and rules of procedure.

The key components of an ordinance are:

- Statement of purposes
- Precise boundaries
- Number of members and alternates and method of appointment
- Qualifications of members
- Activities that will trigger the need for a certificate of appropriateness before any work can be undertaken

- Activities that are exempt from review
- Review criteria
- Authority to adopt and amend regulations
- Authority to enforce regulations in accordance with the requirements of the zoning ordinance
- Appeals process

While it is helpful to review ordinances from other municipalities, avoid copying them verbatim. Not only might they be outdated, but every community is different, and the ordinance should reflect the unique character of the municipality for which it is being written.

Relationship to Master Plan & Zoning Ordinance

RSA 674:46.a.IV

An historic district ordinance must be compatible with a municipality's master plan and its zoning ordinance, or it may run the risk of being declared invalid in a court challenge. Both the master plan and zoning ordinance should include the preservation of historical resources as a goal.



Courtesy photo

If a municipality has a zoning ordinance, the historic district is usually, but not always, an overlay district to an underlying zoning district. The historic district can overlay several different zoning districts. The purpose and definition of the underlying zoning district(s) should be compatible with the purpose of the overlay historic district. The requirements of both the zoning ordinance and the historic district ordinance must be met by a property owner, with the more stringent ordinance prevailing in event of conflict. In some instances, a municipality may wish to create a new zone just for the historic district.

If there is no zoning ordinance, the historic district becomes a zone in and of itself. Under this scenario, the historic district ordinance can also regulate land use and lot sizes, as well as control the physical appearance and siting of buildings.

An historic district ordinance must be compatible with a municipality's master plan and its zoning ordinance.

New construction within a historic district, or "infill," is a key issue that should be addressed in design guidelines. This proposal for a new building (in the center of this image) was made by Steve McHenry, architect, in 2004 for a street in Portsmouth's historic district.

The historic district ordinance should be incorporated into other local ordinances pertaining to land use.

In recent years, many commissions have opted not to review paint color, as it is a reversible treatment.

ADOPTING THE ORDINANCE

RSA 675:2 (Council government)

In cities and towns operating under a council form of government, the local legislative body determines the details of how the district ordinance is adopted. Before it can be adopted, there must be at least one public hearing, noticed in accordance with RSA 675:7. Unless otherwise stipulated by the municipal charter, the hearing can be held by the city or town council, the planning board, or even the historic district commission.

RSA 675:3 (Town meeting government)

In towns operating under a town meeting form of government, or within a village district that has been specifically authorized by law to enact a zoning ordinance, the historic district ordinance is adopted by a ballot vote of the municipality. Before the ordinance can be placed on the ballot, there must be at least one public hearing, noticed in accordance with RSA 675:7. The planning board is charged with conducting the hearing, but members of the commission should be actively involved in the hearing process. After the hearing, the planning board, in consultation with the district commission, determines the final form of the ordinance by vote. If substantive changes are made, another public hearing must be held. Once the ordinance is finalized, it must be filed with the town clerk and made available for public inspection no later than the fifth Tuesday prior to voting day.

The ordinance is adopted at either a regular or special town meeting. If it is a special town meeting, the meeting must open by noon and remain open a minimum of eight hours. On the day of the vote, an official copy of the ordinance must be on display at the voting place. The ballot must be a separate ballot from that used for electing officers and must include the following question:

“Are you in favor of the adoption of the historic district ordinance as proposed by the planning board?”

RSA 676:12 I Once the district is posted for voting by town meeting or the council, its provisions are in force until the vote has been taken. After it is enacted, the historic district ordinance and the accompanying regulations should be incorporated into other local ordinances and regulations pertaining to land use.

Copies of the historic district ordinance should be readily available to the public. The town or city clerk must have a record copy filed for public inspection, as well as copies for sale or free distribution. Copies should also be available in the

offices of the building inspector, planning board/department, historic district commission, selectmen’s office and at the local library.

The Hollis historic district commission ordinance is available online at www.hollis.nh.us/hdo.htm.

Before the district can be functional, the commission must adopt both regulations and rules of procedure, following a properly noticed public hearing held within the district. The ordinance and regulations should be prepared in consultation with town counsel or the city solicitor, or with a lawyer familiar with land use law. The attorney should review the documents in relation to the municipality’s master plan, zoning ordinance, and site plan review regulations, before they are presented to the voters. Once adopted, they should be filed, together with the ordinance, with the city or town clerk, other appropriate town offices, and the county Registry of Deeds.

DRAFTING REGULATIONS

RSA 675:6.IV

Regulations are the rules of the road for the applicant. They spell out what constitutes a completed application and the procedure for reviewing it, as well as the review criteria under which it will be evaluated and a certificate of appropriateness or disapproval granted. While the ordinance will state which types of activities require a certificate of appropriateness and which do not, regulations lay out the design criteria. For example, they might state that parking should be placed in the rear of a building whenever reasonable, or that architectural features on a roof, such as a cupola or dormer, should be retained if visible from the ground.

Both the ordinance and regulations typically use language such as “character,” “appropriateness” and “compatibility” when discussing the basis for decisions. While these decisions may be subjective to some extent, the historical resources survey of the district, combined with clear and justifiable regulations, provide legally defensible criteria.

The regulations should include a waiver provision to allow for situations where strict adherence to the regulations would be unreasonable and/or would not accomplish the purposes of the district ordinance and regulations.

The Amherst Historic District Commission’s regulations are available online at www.amherstnh.gov/Regulations/HistoricDistrict.html

Although state statute allows a commission to

HAMPTON

Hampton Heritage Commission
Town Offices — 136 Winnacunnet Road
Hampton, NH 03842

HANCOCK

Hancock Historic District Commission
Town Offices — PO Box 6
Hancock, NH 03449-0006

HARRISVILLE

Harrisville Historic District Commission
Town Offices — PO Box 34
Harrisville, NH 03450-0034

HAVERHILL

Haverhill Heritage Commission
Town Offices — 2975 Dartmouth College
Highway
North Haverhill, NH 03774

HEBRON

Hebron Historic District Commission
Town Offices — PO Box 188
Hebron, NH 03241-0188

HENNIKER

Henniker Historic District Commission
Town Offices — 2 Depot Hill Road
Henniker, NH 03242

HILLSBOROUGH

Hillsborough Historic District Commission
Town Offices — PO Box 7
Hillsborough, NH 03244-0007

HOLLIS *[Certified Local Government]*

Hollis Historic District Commission
Town Offices — 7 Monument Square
Hollis, NH 03049

and

Hollis Heritage Commission
Town Offices — 7 Monument Square
Hollis, NH 03049

HOOKSETT

Hooksett Heritage Commission
Town Offices — 16 Main Street
Hooksett, NH 03106-1397

JAFFREY *[Certified Local Government]*

Jaffrey Historic District Commission
Town Offices — 10 Goodnow Street
Jaffrey, NH 03452

KEENE

Keene Heritage Commission
City Hall — 3 Washington Street
Keene, NH 03431

KINGSTON

Kingston Historic District Commission
Town Offices — PO Box 716
Kingston, NH 03848-0716

LACONIA

Laconia Heritage Commission
Laconia City Hall
45 Beacon Street East
Laconia, NH 03246

LEBANON

Lebanon Historic District Commission
Lebanon City Hall — 51 North Park Street
Lebanon NH 03766-1317

LEE

Lee Heritage Commission
Town Offices — 7 Mast Road
Lee, NH 03824-6555

LONDONDERRY

Londonderry Heritage / Historic District
Commission
Town Offices — 50 Nashua Road, Suite
100
Londonderry, NH 03053-3416

MADBURY

Madbury Historic District Commission
Town Offices — 13 Town Hall Road
Madbury, NH 03820

MANCHESTER

Manchester Heritage Commission
City Planning Department
One City Hall Plaza
Manchester, NH 03101-2097

MARLBOROUGH

Marlborough Heritage Commission
Town Offices — PO Box 487
Marlborough, NH 03455-0487

MARLOW

Marlow Historic District Commission
Town Offices
Marlow, NH 03456

MASON

Mason Historic District Commission
Town Offices
Mason, NH 03048

MERRIMACK

Merrimack Heritage Commission
Town Offices — PO Box 940
Merrimack, NH 03054-0940

MILFORD

Milford Heritage Commission
Town Offices — One Union Square
Milford, NH 03055

MONT VERNON

Mont Vernon Historic District Commission
Town Offices — Main Street
PO Box 4
Mont Vernon, NH 03057-0004

NASHUA *[Certified Local Government]*

Nashua Historic District Commission
City of Nashua — Community
Development Division
Municipal Building — 229 Main Street
Nashua, NH 03061-2019

NEW CASTLE

New Castle Historic District Commission
Town Offices — PO Box 367
New Castle, NH 03854

NEW HAMPTON

New Hampton Heritage Commission
Town Offices — PO Box 428
New Hampton, NH 03256-0428

NEWINGTON *[Certified Local Government]*

Newington Historic District Commission
Town Offices — 168 Nimble Hill Road
Newington, NH 03801

NEWMARKET

Newmarket Heritage Commission
Town Offices — 186 Main Street
Newmarket, NH 03857

NEWPORT *[Certified Local Government]*

Newport Heritage Commission
Municipal Building — 15 Sunapee Street
Newport, NH 03773

NORTH HAMPTON

Little Boar's Head Heritage Commissions
Box 490
North Hampton NH 03862-0490

and

North Hampton Heritage Commission
Town Offices — PO Box 710
North Hampton, NH 03862-0710

PETERBOROUGH

Peterborough Heritage Commission
Town House — One Grove Street
Peterborough, NH 03458

PORTSMOUTH

Portsmouth Historic District Commission
Municipal Complex — One Junkins
Avenue
Portsmouth, NH 03801

RAYMOND

Raymond Historic District Commission
Town Offices — Epping Street
Raymond, NH 03077

continued, next page

APPENDIX D

Heritage And Historic District Commissions In New Hampshire - continued

ROLLINSFORD

Rollinsford Historical Commission
Town Offices — PO Box 309
Rollinsford, NH 03869-0309

RYE

Rye Historic District Commission
Town Offices — 10 Central Road
PO Box 429
Rye, NH 03870-0429

SALEM

Salem Historic District Commission
Town Offices — 33 Geremonty Drive
Salem, NH 03079

SANBORNTON [*Certified Local Government*]

Sanbornton Historic District Commission
Town Offices — PO Box 124
Sanbornton, NH 03269-0124

SANDWICH

Sandwich Historic District Commission
Town Offices
Center Sandwich, NH 03227

SHELBURNE

Shelburne Heritage Commission
Town Offices — 74 Village Road
Shelburne, NH 03581

SOMERSWORTH [*Certified Local Government*]

Somersworth Historic District Commission
Municipal Building
157 Main Street
Somersworth, NH 03878

SOUTH HAMPTON

South Hampton Historic District
Commission
Town Offices — No. 3 Hilldale Avenue
South Hampton, NH 03827

STRATHAM

Stratham Heritage Commission
Town Offices — One Bunker Hill Avenue
Stratham, NH 03885

TEMPLE

Temple Historic District Commission
Town Offices — Route 45
Temple, NH 03084

TROY

Troy Heritage Commission
Town Offices — 16 Central Square
PO Box 249
Troy, NH 03465-0249

WAKEFIELD

Wakefield Heritage Commission
Town Hall
PO Box 279 — Sanbornville
Wakefield, NH 03872-0279

WALPOLE

Walpole Historic District Commission
Town Offices — PO Box 729
Walpole, NH 03608-0729

WESTMORELAND

Westmoreland Historic District Commission
Town Offices
Westmoreland, NH 03467

WHITEFIELD

Whitefield Heritage Commission
Town Offices — 7 Jefferson Road
Whitefield NH 03598

WILTON

Wilton Heritage Commission
Town Offices — PO Box 83
Wilton NH 03086-0083

WINCHESTER

Winchester Historic District Commission
Town Offices — One Richmond Street
PO Box 25
Winchester NH 03470-0025

WINDHAM

Windham Heritage Commission
Town Offices - 3 North Lowell Road
Windham, NH 03087

and

Windham Historic District Commission
Town Offices - 3 North Lowell Road
Windham, NH 03087

WOLFEBORO

Wolfeboro Historic District Commission
Town Offices — Box 629
Wolfeboro, NH 03894-0629

Total commissions as of January, 2006 : 92

Compiled by New Hampshire Division of Historical Resources. This list may not include all of the Heritage Commissions, nor Historic District Commissions that have converted to Heritage Commissions, or vice versa. Check with the city or town clerk to verify whether a particular community does have a historic district or heritage commission. If there are any historic district or heritage commissions that aren't named here, please notify either the New Hampshire Preservation Alliance or the New Hampshire Division of Historical Resources.

KEY NH LAWS (REVISED STATUTES ANNOTATED) REFERENCING HISTORIC DISTRICT & HERITAGE COMMISSIONS

Definition of historic district commission as a local land use board			
672:7	Local land use board		
Establishment of local land use boards			
673:1,II.	Authority for a heritage commission or historic district commission	674:44-d	Appropriations authorized / creation and use of a heritage fund
673:4	Criteria for membership of a historic district commission	Purpose and authority of historic districts	
673:4-a	Criteria for membership of a heritage commission	674:45	Purposes
673:5	Terms of local land use board members	674:46	Authority granted
673:6	Appointment of alternate members	674:46-a	Powers and duties
673:7(c)	Planning board member serving on heritage commission and/or historic district commission	674:46-a,V.	Allows historic district commissions to assume the composition and duties of heritage commissions, if authorized by the local legislative body
Operational procedures		674:47	Procedure for abolishing a historic district
673:10,1.	Scheduling of meetings	674:48	Limitations of authority
673:11	Designation of alternate members	674:49	Enforcement
673:12	Filling vacancies in membership	674:50	Remedies for violations / authority for historic district commission to "institute any appropriate action or proceedings" against violations
673:13	Removal of members	Enactment and adoption procedures for historic district ordinances and regulations	
673:14	Disqualification of member / conflict of interest provisions	675:1,I,(d)	Requirements for adoption of historic district regulations (referencing 674:46-a)
673:16	Staff and finances; acceptance of gifts, grants, and contributions	675:1,II.	Requirements for adoption of historic district ordinances (referencing 674:46)
673:17	Requirements for open meetings and records, referencing RSA 91-A ("the Right-to-Know Law")	675:2	Method of enactment in municipalities governed by a council
Abolition of a heritage commission or historic district commission		675:3	Method of enactment in municipalities not governed by a council
673:18	Procedure for abolishing a heritage commission or historic district commission	675:4	Method of enactment by petition
673:20	Cessation of authority if commission is abolished	675:6	Method for adoption of historic district regulations
673:21	Requirements for transfer of documents upon abolition	675:7	Notice requirements
Purpose and authority of heritage commissions		675:8-9	Requirements for filing ordinances, regulations, and amendments
674:44-a	Purposes	Administration and enforcement procedures	
674:44-b	Powers and duties	676:1	Method for adopting rules of procedure
674:44-b,III.	Allows heritage commissions to assume the composition and duties of historic district commissions, if authorized by the local legislative body	676:2	Procedures for joint meetings and hearings
674:44-c	Allows municipalities to maintain separate heritage commissions and historic district commissions	676:3	Requirements for issuing decisions
		676:5	Appeal to the zoning board of adjustment (ZBA)
		676:6	Effect of appeal to the ZBA—stays any action and maintains the status quo pending decision by the ZBA
		676:8-9	Requirements for reviewing and acting on building permits / consultations with officials, groups, and persons
		676:10	Procedures for enforcement in municipalities without other land use boards and/or land use officials
		676:12	Building permits to be withheld while changes in the zoning ordinance or building code are pending
		676:14	Determination of precedence of local ordinances and regulations
		676:15	Authority to institute injunctions and other remedies or relief
		676:17	Criteria for imposing fines or penalties and recovering costs
		676:17-a,b	Cease and desist orders and citations
		Rehearings and appeals	
		677:2	Motion for rehearing of ZBA decision
		677:3	Procedure on motion for rehearing
		677:4-14	Appeal to superior court on any decision of the ZBA
		677:17	Procedure for appealing decisions in municipalities with zoning
		677:18	Procedure for appeals in municipalities without zoning

*Compiled in July 1996 & revised December 1998, September 2001, March 2003 and March 2005 by the NH Division of Historical Resources, from **New Hampshire Planning and Land Use Regulation: 2004-2005 Edition**, issued by the NH Office of Energy and Planning, Concord, New Hampshire & published by LexisNexis, Matthew Bender & Company, Inc., Charlottesville, Virginia, 2004. New editions are issued annually; copies may be purchased from the Office of State Planning or regional planning commissions, or consulted at libraries, law offices, municipal offices, and land use boards. For online text of all the RSAs, go to <http://www.gencourt.state.nh.us/tsa/html/indexes/default.html>, and go to <http://www.gencourt.state.nh.us/tsa/html/indexes/LXIV.html> for the land use RSAs.*

GUIDE TO THE ORGANIZATION OF NEW HAMPSHIRE STATUTES

Prepared by Office of Energy and Planning

The New Hampshire Revised Statutes Annotated, RSA's, are the codified laws of the State of New Hampshire. They are published in hardbound volumes, plus an index volume. At the end of every legislative session each volume is either reprinted or updated with a supplement. Most of the supplements fit in the pocket at the back of the hardbound book, but some have grown so large that they have to stand as a separate softbound book.

The RSA's are divided into: title, chapter, subdivision, section, paragraph and subparagraphs as follows:

A **TITLE** is a main grouping of chapters dealing with related subjects. For example, the first main group of chapters deals with "The State and Its Government" and consists of chapters 1 through 21-P, thus, chapters 1 through 21-P constitute Title I. Titles are almost never cited. When you see a typical citation such as "RSA 41:11", the number "41" is not the title but the chapter number. The Revised Statutes Annotated consist of 64 titles.

A **CHAPTER** is the most-used division of the RSA's and is a collection of sections dealing with the same subject. Sometimes the Legislature has squeezed a chapter between two existing chapters, and it is designated by a number followed by a hyphen and a capital letter; e.g., RSA 31-A.

A **SUBDIVISION** is a portion of a chapter which contains sections that deal with the same general subject, i.e., a sub-heading within a chapter. A subdivision is not separately numbered and is indicated only by the presence of a bold face unnumbered line preceding the first

section of the subdivision and, like titles, a subdivision is not often cited. For example, preceding RSA 31:19 is the line "Trust Funds". Since the next place in which a similar line appears is after RSA 31:38, RSA 31:19 through 31:38 consists of a subdivision of RSA 31 entitled "Trust Funds".

A **SECTION** is the main division within a chapter and is indicated by the number following the colon. For example, section 2 of chapter 31 is cited RSA 31:2. When the Legislature squeezes a section between two existing sections it is designated by a number followed by a hyphen and then a lower case letter, e.g., a section in chapter 31 between sections 2 and 3 is cited as RSA 31:2-a.

The main division within a section is a **PARAGRAPH**, indicated by Roman numeral; e.g., the third paragraph of RSA 31:39 is cited as RSA 31:39, III. All divisions of a paragraph are referred to as **SUBPARAGRAPHS** and are indicated by a letter enclosed by parentheses: e.g., RSA 31:39, I(a). In summary, the citation RSA 676:4, I(g) means subparagraph g of paragraph I of section 4 of Chapter 674.

Land use regulation statutes are contained in Title LXIV (64) Planning and Zoning. This title is divided into 6 chapters each dealing with a particular area of land use regulation.

Chapter 672 **General Provisions** outlines the general purpose of planning and zoning regulations and defines word and phrases.

Chapter 673 **Local Land Use Boards** sets forth the establishment of land use boards; the appointment and terms of board

members; general provisions for meetings, alternates, member disqualification and removal, witnesses, staffing and meeting records; and the process for the abolition of boards, a zoning ordinance or building code.

Chapter 674 **Local Land Use Planning and Regulatory Power** addresses the master plan; capital improvements program; official map; zoning; emergency temporary zoning and planning regulation; manufactured housing; board of adjustment and building code board of appeals; subdivision regulations; site plan review regulation; heritage commissions; historic districts; building codes; land affected by municipal boundaries; and governmental use of property.

Chapter 675 **Enactment and Adoption Procedures** addresses the methods and procedures for enacting land use regulations.

Chapter 676 **Administrative and Enforcement Procedures** deals with how the planning board, zoning board, historic district commission operate; the use of building permits; what happens when state and local regulations conflict; and various types of penalties and relief for violations.

Finally, Chapter 677 **Rehearing and Appeal Procedures** addresses the rehearing procedures for the board of adjustment, board of appeals and local legislative body; appeal and court review of board of adjustment, local legislative body, planning board, building code board of appeals and historic district commission decisions; and the process for a court to deal with invalid ordinances.

SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES

Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Standards for Restoration

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

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Secretary of the Interior's Standards for the Treatment of Historic Properties - continued

Standards for Reconstruction

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.