

HISTORIC DISTRICT ORDINANCE

Town/City of "Granite," New Hampshire

The Zoning Ordinance of the Town/City of "Granite," New Hampshire, is hereby amended by adding thereto the following Articles:

ARTICLE I HISTORIC DISTRICTS

Section I Historic Districts

An historic district or districts shall be superimposed upon the other districts established in this zoning ordinance. The regulations and procedures of Article II HISTORIC DISTRICT REGULATIONS shall apply in addition to the regulations of the underlying districts and other applicable local ordinances. Procedures for designation of local historic districts, shall be in conformance with RSA 674:46, and other applicable statutory requirements.

Section I.1 Criteria

Criteria for the designation of local districts shall be the same as the National Register criteria as set forth in 36 CFR 60 ["Code of Federal Regulations," Chapter 36, Part 60 published in the Federal Register].

Section I.2 Boundaries

Historic districts shall be shown on the Zoning Map as from time to time adopted and amended by the [local legislative body] of the Town/City of "Granite." They may coincide with, cross, or include all or part of one or more of the underlying districts.

Section I.3 Verbal Boundary Description: "Granite" Historic District

The "Granite" Historic District boundaries are defined on Maps 123 and 456 of the Tax Assessors of the Town/City of "Granite."

The perimeter of the district is traced as follows: Beginning at the southwest corner of Parcel 789, the boundary crosses "Granite" Road and traces the west edge of the triangular island at the intersection with School Road and proceeds south on the center line of School Road passing Parcel 654 and Parcel 321 on the east. etc. etc.

Section I.4 Use

Uses permitted in the underlying zoning districts are permitted in the historic district(s).

Section I.5 Certificate of Approval Required

A permit for repair, alteration, construction, relocation or demolition shall not be issued until and unless a Certificate of Approval is issued by the historic district commission in accordance with the provisions of Article II, Section II.19.

ARTICLE II HISTORIC DISTRICT REGULATIONS

Section II Grant of Power

Pursuant to RSA 673:1, the Town/City of "Granite," New Hampshire established in [year] an historic district commission, and pursuant to RSA 674:46, the [local legislative body] has, by this ordinance, established an historic district or districts, sites or locales within the boundaries of the Town/City of "Granite."

Section II.1 Definitions

"Abutter" means any person whose property adjoins or is directly across the street or stream from the land, area, locale, place, or site under consideration by the "Granite" Historic District Commission, or whose land is affected by a proposal.

"Ex officio member" means any member who holds office by virtue of an official position and who shall exercise all the powers of regular members of a local land use board.

"Local governing body" means the "Granite" [board of selectmen, city council or board of aldermen, or village district commissioners].

"Local land use board" means a planning board, historic district commission, building inspector, building code board of appeals, or zoning board of adjustment established by the local legislative body.

"Local legislative body" means the [council, mayor-council, mayor-board of aldermen, village district or precinct, or town meeting].

["Mayor" or "Selectmen"] means the chief executive officer(s) of "Granite," as defined by RSA 672:9.

"Municipality" or "municipal" means, includes and relates to the Town/City of "Granite."

"Planning board" means the planning board of "Granite" as established by RSA 673.

"Street" means, relates to and includes street, avenue, boulevard, road, land, alley, viaduct, highway, freeway and other ways.

Section II.2 Purposes

It is hereby declared as a matter of public policy that the recognition, preservation, enhancement, and continued use of buildings, structures, sites, areas, locales, and districts within the municipality of "Granite" having historical, architectural, cultural or design significance are required in the interest of the economic prosperity, cultural enrichment, health and general welfare of the community. The purposes of this ordinance are to:

- (a) safeguard the heritage of "Granite" by providing for the protection of the structures and areas representing significant elements of its cultural, social, economic, political and architectural history;
- (b) enhance the visual character of the municipality by encouraging and regulating the compatibility of new construction within historic districts to reflect or respect established architectural traditions;
- (c) foster public appreciation of, and civic pride in, the beauty of the town/city and the accomplishments of its past;
- (d) strengthen the economy of the town/city by protecting and enhancing the attractiveness of the community to residents, tourists, and visitors;
- (e) conserve property values within the town/city; and
- (f) promote the private and public use of structures and areas within historic districts and locales, for the education, pleasure, prosperity and general welfare of the community.

Section II.3 Historic District Commission

There is herein established an historic district commission with the functions and duties as set forth in this Article, and as may be needed to carry out the purposes of this Article.

Section II.4 Membership

- (a) The historic district commission shall consist of [five/seven] (5/7) members and up to five (5) alternates. All members (1) must be residents of the town/city and (2) must have demonstrated interest and ability to understand, appreciate, and promote the purposes of this Article.

- (b) One member shall be the mayor [or a member of the board of selectmen], and one member shall be a member of the planning board. Insofar as possible, other membership (including alternates) shall include:
 - 1. a member of another land use board
 - 2. a local historical society member
 - 3. a licensed real estate broker
 - 4. a registered architect or a builder
 - 5. a resident of the district(s)
 - 6. a person owning a firm/business in the district.
- (c) Whenever a regular member of the commission is absent or whenever a regular member disqualifies himself or herself, the chairperson shall designate an alternate to act in the place of the absent member.

Section II.5 Terms of Office, Vacancies, and Removal

- (a) Members shall be appointed for three-year terms. However, the initial appointment shall be staggered so that three members [for example] shall be appointed for one year, two members for two years, and two members for three years.
- (b) The mayor [or selectmen] shall act within sixty (60) days to fill a vacancy, including expired terms. Vacancies shall be filled as provided by RSA 673:12.
- (c) Members may be removed for cause in a manner as provided by RSA 673:13.
- (d) The chairperson may request the resignation of any member who fails to attend four consecutive meetings without just cause.

Section II.6 Officers/Quorum

The commission shall annually elect a chairperson from the appointed members and may create other officers as it deems necessary. The term of every officer and chairperson elected by the historic district commission shall be one year. Both the chairperson and officers shall be eligible for re-election. Four members of the commission shall constitute a quorum for the conduct of business.

Section II.7 Code of Conduct

- (a) "Granite" Historic District Commission members (and staff, if any) shall not use their position for a purpose that is, or gives the appearance of being,

motivated by a desire for personal benefit or private gain for themselves or others, particularly those with whom they have family, business, organizational or other ties.

- (b) "Granite" Historic District Commission members (and staff, if any) who have a financial interest in a property shall not participate in any discussion, hearing or other commission consideration of that property, whether as part of local review procedures pursuant to NH RSA 674 and 676, or as part of actions (such as National Register nomination review procedures) pursuant to the responsibilities of a "Certified Local Government" under the National Historic Preservation Act, and under the associated requirements established by the National Park Service and the State of New Hampshire for participation in the Certified Local Government program.
- (c) "Granite" Historic District Commission members (and staff, if any) shall not participate in the preparation or administration, monitoring, approval or payment of any grants or contracts made to, or by, the commission, if a real or apparent conflict of interest would be involved.
- (d) In conformance with NH RSA 673:14, no member of the "Granite" Historic District Commission shall sit upon the hearing of any question which the commission is to decide, if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law.
- (e) When uncertainty arises as to the application of these provisions to a commission member in particular circumstances, the commission shall, upon the request of that member or another member of the board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by persons other than board members, except as provided by local ordinance or by a procedural rule adopted under RSA 676:1.
- (f) If a member of the "Granite" Historic District Commission is disqualified or is unable to act, in any particular case pending before the commission, the

chairperson shall designate an alternate to act in place of the disqualified member, as specified in NH RSA 673:11.

- (g) Any member of the "Granite" Historic District Commission who may have an apparent, potential or actual conflict of interest with respect to any deliberations or matters before the commission, shall absent himself or herself from the commission's meeting while such matters are being considered or acted upon.
- (h) "Granite" Historic District Commission members (and staff, if any) who are in office (or employed) at the time these code of conduct provisions are adopted shall be exempted for a period not to exceed one year from the date of adoption, pursuant to RSA 31:39-a.

Section II.8 Meetings

Meetings of the historic district commission shall be held at the call of the chairperson and at such other times as the commission members may determine, but not less than four times per year. Public notification and public hearings of the commission's actions shall be in conformance with RSA 91-A and other applicable statutory requirements.

Section II.9 Powers and Duties of the Commission

In accordance with RSA 674:46 the historic district commission shall have the powers and duties to:

- (a) maintain a system for the survey and inventory of historic properties. This survey will be the system for comprehensive historical resources planning within the town/city of "Granite." It will be consistent with the technical standards issued by the United States Department of the Interior (36 CFR 61) which by reference is incorporated in this Article, to produce reliable, understandable and up-to-date information for decision making, related to the identification, evaluation and protection/treatment of historical resources;
- (b) establish rules and regulations for the conduct of business which are consistent with the purposes of this Article, and in conformance with RSA 673, RSA 676, and RSA 677, and in accordance with RSA 91-A;
- (c) establish, adopt and make available, to applicants and the public, standards and guidelines to be used by

the commission in reviewing and passing on applications for a Certificate of Approval to construct, alter, repair, move or demolish any building and/or structure within an historic district;

- (d) approve or disapprove, in whole or in part, applications for Certificates of Approval for which a permit is required under Section II.10, and file said Certificate of Approval or Notice of Disapproval with the building inspector following the commission's findings;
- (e) request reports and recommendations from municipal departments and agencies and from other organizations and sources which may have information or can provide advice pertinent to the application or the proposal's impact on the district;
- (f) retain professional consultants as may be necessary to carry out the purposes of this Article, subject to the availability of funds for this purpose;
- (g) act in an advisory role to other officials, agencies, departments, boards, commissions and committees of the local government, regarding the identification, protection and preservation of local historical resources;
- (h) act as a liaison between the local government and individuals and organizations concerned with historic preservation;
- (i) work toward continuing education of citizens regarding historic preservation issues and concerns;
- (j) recommend and propose amendments and/or revisions of this Article and of the boundaries and limits of any historic district to the planning board;
- (k) keep or cause to be kept accurate and complete records of each application, all of which shall be part of the public record.

Section II.10 Scope of Review and Certificate of Approval

It is unlawful for any person to construct, alter, repair, move or demolish any building, structure, or improvement which lies within an historic district, area or place, without first obtaining a Certificate of Approval from the historic district commission in the manner prescribed in this Article. Exceptions are declared in Section II.12.

Section II.11 Activities Requiring Review

For the purposes of this Article, the following activities shall be reviewed by the historic district commission:

- (a) erection, alteration, major repair, sandblasting, abrasive cleaning, relocation or demolition of a building or structure, and construction on any site;
- (b) erection, alteration or removal of any exterior, visible feature of a building or structure;
- (c) construction, reconstruction or significant repair of any stonewall, fencing, sidewalk, street, paving, street light, traffic control device or pole;
- (d) grading, excavation or removal of stonewalls, fences, paving or significant trees.

Section II.12 Exceptions

The historic district commission is not required to review the following activities:

- (a) ordinary maintenance and repair of any architectural feature which does not involve removal or a change in design, dimensions, materials or outer appearance of such feature;
- (b) painting or repainting of buildings or structures in any color.

Section II.13 Application Procedure

The following procedure shall be followed in processing applications for approval of work covered by this Article.

- (a) An application must be submitted to the historic district commission for a Certificate of Approval for any work to be performed which is within the scope of this Article.
- (b) The applicant shall be required to pay an application fee, to be set in accordance with the scope of the project, and to pay for any legal advertising costs.

Section II.14 Information Required with Application

The applicant shall make written application to the commission through the building inspector for a Certificate of Approval. The application shall include:

- (a) completed permit form;
- (b) narrative description of the project;
- (c) graphic materials of sufficient clarity and detail to give the commission a clear and certain understanding of applicant's intention regarding the work contemplated.

The commission may request, and the applicant shall supply, site plans, building plans, elevations, perspective sketches, photographs, building material samples or other information reasonably required by the commission to make its determination of approval or disapproval.

Section II.15 Additional Information Required for Adequate Review

In reviewing the application package, the commission may request reports and recommendations regarding the feasibility of the applicant's proposal from the planning board, fire chief, building inspector, health officer and other administrative officials who may possess information concerning the impact of the proposal on the historic district. In furtherance of the review, the commission may solicit advice from professional, educational or other groups or persons as may be deemed necessary for making a reasonable decision.

Section II.16 Hearing and Notices

- (a) The historic district commission shall conduct a hearing on the application within thirty-five days of the filing of a completed application package.
- (b) The commission shall issue a Certificate of Approval or Notice of Disapproval within ten days of the hearing date unless the applicant shall agree to an extension in writing.
- (c) Failure to render a decision within the specified time shall be deemed to constitute approval by the commission.
- (d) Written notice of the commission hearing date shall be given to each abutting property owner, in cases

involving demolition, relocation, new construction, and/or substantial alteration.

- (e) The commission may require notice of the hearing to be published in a newspaper of general circulation in the town/city in accordance with procedures in RSA 91-A:2, II.
- (f) To the extent practical, joint hearings will be held in the case of applications requiring hearing before other municipal boards.

Section II.17 Review Criteria

In making a determination on an application, the historic district commission shall take into account the purposes of this Article and the technical standards issued by the United States Department of the Interior (36 CFR 67.7), available from the building inspector and paraphrased as follows:

- (a) the historical, architectural or cultural value of subject buildings, structures or landscapes and their relationship and contribution to the setting;
- (b) the compatibility of the exterior design, arrangement of elements, texture and materials proposed to be used in relationship to existing buildings or structures and their setting;
- (c) the scale and general size of new construction in relationship to existing surroundings, with consideration of such factors as height, width, street frontage, number of stories, roof type, facade openings (windows, doors, etc.) and architectural details;
- (d) other factors, including yards, off-street parking, screening, fencing, entrance drives, sidewalks, signs, lights and/or landscaping which might affect the character of any building or structure within the district, and similar factors which relate to the setting for such structure or grouping of structures;
- (e) the impact that the applicant's proposal will have on the setting and the extent to which it will preserve and enhance the historical, architectural and cultural qualities of the district and community.

The Commission shall be guided by the following standards, issued by the U.S. Secretary of the Interior:

- (1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when possible.
- (3) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

- (8) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were removed in the future, the essential form and integrity of the original structure would be unimpaired.

Section II.18 Review for Demolition or Relocation of Buildings/Structures

- (a) Before a building or other structure is demolished or moved out of the district or neighborhood, the applicant shall, in good faith, prepare a detailed plan for the re-use of the vacated site which the commission determines will meet the requirements for a Certificate of Approval.
- (b) Such Certificate of Approval for demolition, relocation or re-use shall only be granted upon a showing by the applicant that to deny such certificate would result in a hardship unique to the property in question, and that such hardship is not common to neighboring properties within the district or neighborhood.

Section II.19 Findings

At the conclusion of its review, the historic district commission shall issue in writing one of the following documents:

- (a) Certificate of Approval
 - (1) If in the opinion of a majority of the historic district commission members present and voting, the applicant's proposal meets the purposes of this Article, then the commission shall issue a Certificate of Approval together with any changes, conditions and/or stipulations necessary to comply with the provisions of this Article, signed by the chairperson.

- (2) After the issuance of this Certificate, the building inspector may issue a building, demolition or other permit for the approved project.

(b) Notice of Disapproval

- (1) If in the opinion of the majority of the historic district commission members present and voting, the application does not meet the purposes of this Article, then the commission shall issue a Notice of Disapproval in writing together with the reasons for such decision, signed by the chairperson of the commission.
- (2) The issuance of a Notice of Disapproval shall prohibit the building inspector from issuing a building, demolition, or other permit.
- (3) If the applicant's proposal is denied, the applicant may and will be encouraged to make modifications to the proposed plans and to resubmit the application for hearing without prejudice.

Section II.20 Notice and Filing of Decision

All decisions of the commission shall be made available for public inspection within 72 hours, and placed on file with the town/city clerk.

Section II.21 Appeals

Any person or persons jointly or severally aggrieved by a decision of the historic district commission shall have the right to appeal that decision to the zoning board of adjustment in accordance with the provisions of RSA 677:1-14.

Section II.22 Enforcement

In case of the violation of any ordinance or regulation made under the authority conferred by Chapter RSA 676, the historic district commission, in addition to other remedies, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent or enjoin or abate or remove such violation.

Section II.23 Penalties

Violation of this historic district ordinance may be made punishable as provided by RSA 676:17.

Section II.24 Validity

If any section, clause, provision, portion or phrase of these Articles shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of this Article.