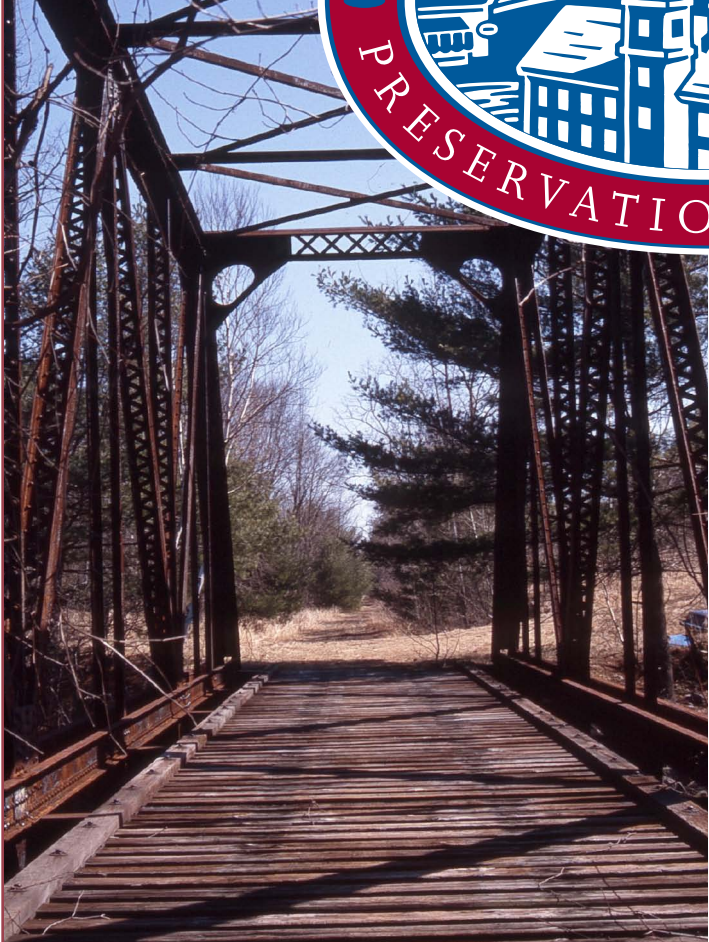
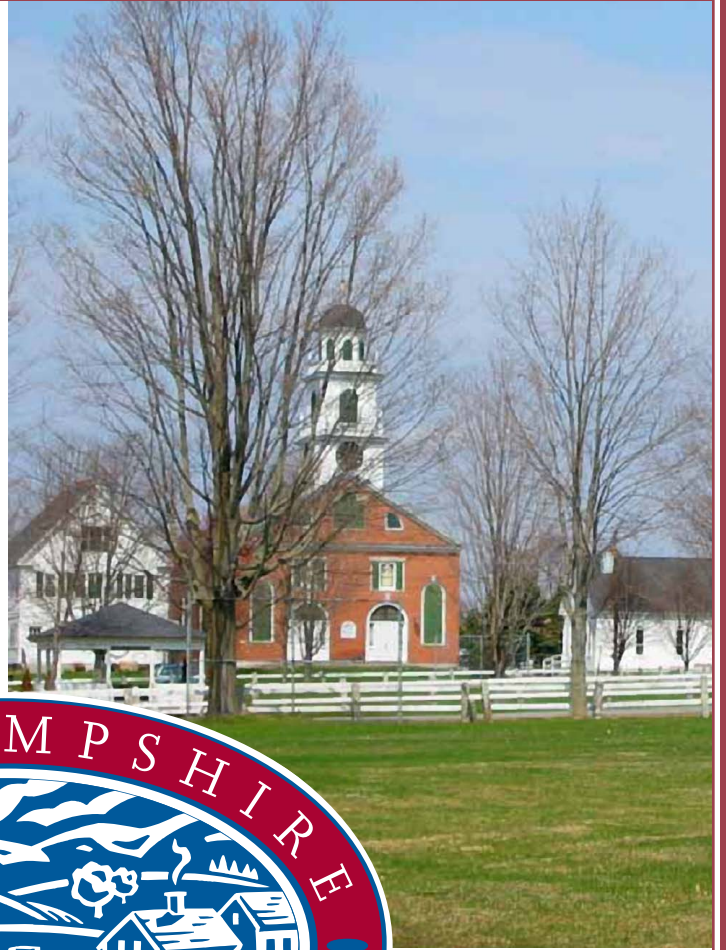


Preserving Community Character



*A Preservation
Planning Handbook
for New Hampshire*

ACKNOWLEDGEMENTS

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Like many handbooks, *Preserving Community Character* is the product of many people and previous publications, without which it could not have been produced. It particularly drew upon several previously published manuals, which provided a valuable base of material: *Preserving Community Character: Ways to Reconcile Change with the Character of a Place* (1988), *Historic Preservation and Master Planning: A Manual for Local Officials* (1984), *Historic Districts in New Hampshire: A Handbook for the Establishment and Administration of Historic Districts* (1980). Each member of the Steering Committee gave hours of time, offering ideas, shaping the contents, providing key data and editing the drafts. Their assistance was insightful and much appreciated.

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C O N T E N T S

Acknowledgments	i
Introduction	iv
Preservation Planning Tools	1
Historical Resource Survey	1
Reconnaissance Survey	1
Intensive Survey	2
Municipal Master Plan: Historical Resources Chapter	3
National Register of Historic Places	4
State Register of Historic Places	5
Historic Districts	6
National Register Historic District	6
Locally Designated Historic District	6
Neighborhood Heritage District	6
National Historic Landmark	7
Archeological Sites and Programs	7
SCRAP	7
Historic Preservation Review and Compliance	8
Demolition Review Ordinance	9
Architectural Design Review	10
Site Plan Review	11
Zoning Ordinance	12
Innovative Land Use Controls	12
Transfer of Development Rights	12
Planned Unit Development	13
Cluster/Open Space Development	13
Performance Standards	14
Village Plan Alternative	14
Preservation Easements	15
Barn Easements	16
Conservation Easements	17
Current Use	17
Promoting Agriculture	18
Capital Improvements Program	19
Tax Increment Financing	19
Affordable Housing	20
NH Tourism Policy	21
Scenic Roads	21
Scenic Byways	22
Stone Wall Protection	23
Roadside Trees Protection	24
Heritage Commissions	25
Purpose	25
Establishing a Heritage Commission	25
Laying the Groundwork	25
Legal Process	25
Membership	26
Powers and Duties	26
Resource to Local Boards and Commissions	27
Preservation Planning Initiatives	27
Historical Resource Survey	27
Master Plan Chapter	27
Demolition Review Ordinance	28
Historic Districts	28
Heritage Fund	28

Public and Municipal Education	28
Real Property Acquisition	28
Historic Barn Easements	29
Locally Designated Historic Districts	30
Purpose	30
What Qualifies as an Historic District?	30
Establishing a Historic District	30
Appointing a Historic District Commission	30
Historic District Commission Membership	31
Laying the Groundwork	32
Defining the District	32
Establishing District Boundaries	32
Drafting the Ordinance	33
Adopting the Ordinance	34
Drafting Regulations	34
Drafting Rules of Procedure	35
Developing Design Guidelines	35
Administering a District	36
Powers and Duties of a Historic District Commission	36
Commission Meetings	36
Staffing and Funding	36
Application Process	36
<i>Application form</i>	37
<i>Fees</i>	37
<i>Reviewing an application</i>	37
<i>Holding the hearing</i>	38
<i>Rendering a decision</i>	38
<i>Joint hearings</i>	39
Code of Conduct	39
Training	39
Public Outreach	40
<i>Web site</i>	40
<i>Applicant materials</i>	40
<i>Keeping local governmental officials informed</i>	40
<i>Keeping citizens informed</i>	41
Enforcement	41
Appeals	42
Interview Questions for Potential Historic District Commission Members	43
Old Building Information	44
Understanding an Old Building	44
Research	44
Physical Investigation	45
Sources for Rehabilitation/Restoration Information	46
Contractors and Consultants	46
Periodicals and Web Sites	46
Useful Books and Articles	47
Working with Codes and ADA Regulations	48
Building, Fire and Energy Codes, Lead Abatement, Accessibility, Flood-Proofing	48
Appendices	49
A. Funding Sources	49
B. Helpful Organizations and Agencies	52
C. Preventing and Responding to Preservation Emergencies	55
D. Heritage and Historic District Commissions in New Hampshire	56
E. NH RSAs Pertaining to Heritage and Historic District Commissions	59
F. Guide to the Organization of New Hampshire Statutes	60
G. Secretary of Interior Standards for the Treatment of Historic Properties	61
H. Glossary	63

INTRODUCTION

In the nearly twenty years since a handbook on preservation tools and strategies last appeared, much has changed—and much has stayed the same. The introductory words of *Preserving Community Character*, written in 1988, still ring true: “The pace of change altering the character of New Hampshire communities is accelerating dramatically.” Yet, over the past twenty years, municipalities across the state have made great strides in recognizing the value of their historical resources – buildings, neighborhoods, structures, landscapes and sites – and the role they play in economic development and community spirit.

This handbook is designed to help citizen volunteers, municipal officials, private investors and others guide investment. It is divided into four primary areas and serves as an introduction for newcomers and a reference and refresher for those long associated with preservation tools and techniques.

The first chapter, Preservation Planning Tools, outlines a broad range of approaches that a community can take to have a marked effect on future growth and resource management. The next two chapters are directed toward heritage and historic district commissions, describing how they function, providing tips on getting started and ways to get people involved. The final section of the manual assists a broader audience, with a wide array of information on understanding and working with old buildings, finding funding sources, and contacting the many organizations and agencies referenced throughout the manual. The appendices support those chapters, answer frequently-asked questions, and offer contact information.

Preservation is not about freezing the past, but about managing change and growth. The historic preservation programs and practices outlined in the handbook can help create vibrant main streets, affordable housing, and places that attract visitors and businesses as well as residents. They can also serve as an anecdote to sprawling development which can leave landmarks abandoned or under-used, erode the pedestrian or rural character of downtowns and villages, challenge local businesses, and result in stranded infrastructure costs. The preservation planning decisions made now about individual landmarks and the character of our communities will shape their appearance, economies and character for generations.

The Preservation Alliance is the statewide non-profit historic preservation organization committed to the preservation of historic buildings, communities and landscapes through leadership, education and advocacy. The production and dissemination of this handbook is an important component of our on-going efforts to strengthen the effectiveness of local groups and promote the use of preservation tools.

For more information, updates or assistance, contact the New Hampshire Preservation Alliance at www.nhpreservation.org or 603-224-2281.

Preservation Planning Tools

NEW HAMPSHIRE MUNICIPALITIES have a wide variety of preservation and planning tools and techniques available to them. While often spearheaded by the local heritage or historic district commission, these strategies can be evaluated and implemented by citizen petition or other arms of local government. These tools offer an array of opportunities to protect and preserve the cultural, historical, or even natural resources of the community. Each has a different purpose and effect on the preservation of a community's character. Some can be implemented independently, while others are designed to be used in tandem. In any event, for these strategies and methods to be effective, they require support and commitment from within the community.

This chapter briefly describes each tool, presents advantages and disadvantages, and directs the reader to sources for additional information.

HISTORICAL RESOURCE SURVEY

An historical resource survey is an essential tool for heritage and historic district commissions. A survey of a community's historic buildings, structures, sites and objects forms the backbone for shaping the preservation component of a municipal master plan; providing background information and context for threatened resources; identifying and evaluating resources being considered for the National and State registers; and guiding the decision-making process within a local historic district. The survey will reveal the historic character of a community and determine which resources take preservation priority and why.

There are two primary types of surveys that can be conducted: reconnaissance survey and intensive survey. Both include the full range of historical resources, generally defined as fifty years or older. The range will vary from town to town, but will typically include all types of buildings (houses, churches, schools, town halls, granges, mills, barns and agricultural outbuildings, etc.), cemeteries, town pounds, railroad lines and related structures, granite culverts, street clocks, mile markers, bridges, statues and so forth. Built landscape features, such as granite-work, stone walls, or fences, are noted as well.

Sometimes a survey focuses on a specific resource type. In recent years, several communities have surveyed their barns and other agricultural buildings, recording their history and physical features.

The type of survey selected and the size of the survey area are decisions that are made by the



Fitzwilliam, courtesy photo

heritage or historic district commission, in concert with the local governing body. Budgetary considerations, available expertise and planning requirements will shape the decision.

Since the fifty-year threshold for inclusion in a survey is a moving target, the survey will need to be updated every five to ten years, or at a minimum, when the town master plan is updated.

RECONNAISSANCE SURVEY

A reconnaissance survey is used either as a preliminary step in the survey process or in situations where a general or cursory level of information is all that is required. This survey technique is also known as a visual survey or “windshield survey” because it is usually undertaken

A good survey will include the full range of resources—and from all periods—that define a community.

The historical resource survey is the backbone of virtually all preservation planning efforts. No community should be without one.

from an automobile. Surveyors drive road-by-road or block-by-block throughout the entire community to get a rough estimate of the number and types of historical resources present. For each resource, the surveyor provides its location, building materials, approximate date of construction, major exterior alterations and a photograph.

While reconnaissance surveys do not collect specific information on a building, they can be very useful in the early stages of preservation planning. A town might opt for a reconnaissance survey to focus future intensive survey efforts or to determine how to proceed with completing a preservation plan or historical resources chapter within a community's master plan.

Volunteers can conduct a reconnaissance survey, and the New Hampshire Division of Historical Resources can provide training and guidance.

INTENSIVE SURVEY

An intensive survey is far more in-depth, and thus produces more useful data for local planning purposes. This type of survey is conducted on foot. In addition to the data collected for a reconnaissance survey, surveyors document the physical traits of each resource, noting major changes over the years; research its history; and evaluate its significance and National Register eligibility.

Research will typically include analyzing historic maps and photographs; reviewing local and country histories; deed research; and interviews. All sources are footnoted and compiled in a bibliography. It is useful to attach copies of historic photographs to the forms. Similarly to a reconnaissance survey, the New Hampshire Division of Historical Resources has a form to use for intensive surveys. And again, the data should be computerized, and/or filed, plotted on a town map, and accessible at public venues.

An intensive survey is usually undertaken by a consultant, with local volunteer assistance. There are plenty of ways for citizens to become involved, including distributing building history questionnaires to property owners, photography, data entry, and publicizing the results.

Survey Forms

The Division of Historical Resources provides two types of forms to inventory historical resources: the Individual Inventory Form and the Area Form. The former is used to record an individual resource. At the reconnaissance level, only the

front page is completed, accompanied by a location map and photograph. At the intensive level, the entire form is completed. The Area Form is used to document the architectural and historical patterns that characterize a larger area: a neighborhood, a complex (such as a millyard or a children's summer camp), a potential historical district, or an area affected by a large-scale construction or transportation project.

The Area Form is also used to examine the history and architecture of an entire town, laying out various historic contexts that define the community and describing the range of resources associated with each historic period and context. When used in this manner, the form is referred to as a Town-wide Area Form. The Town-side Area Form also lists all locally designated, State and National Register properties, as well as those eligible for such listing. Together, the documentation provides a heritage or historic district commission, planning board, or interested parties a means to quickly understand the broad patterns of history that are reflected in their community's built environment. It can crystallize decision-making and prioritize future preservation planning activity.

Ideally, completed forms are entered into a computer database and available through a website, but at a minimum, forms should be placed in file folders, and organized alphabetically by street or area name. In addition to the form, files can contain historic views of the resources and background historical information. Each resource and area should be plotted on a map of the community and incorporated into the GIS system, if applicable. Hard copies of the survey should be made available in town offices and at the public library.

FOR MORE INFORMATION:

"How to Complete the New Hampshire Division of Historical Resources Individual Inventory Form:"

www.nh.gov/nhdhr/inventorymanual.pdf

"How to Complete the New Hampshire Division of Historical Resources Area Form:"

www.nh.gov/nhdhr/areamanual.pdf

The New Hampshire Division of Historical Resources barn survey project: www.nh.gov/nhdhr/barnsurveyproject.html

Bzdak, Meredith. "Cultural Resource Surveys, Documenting Your Communities Character." *The Alliance Review*. April/May 1999.

Guidelines for Local Surveys: A Basis for Preservation Planning. National Register Bulletin (24).

Cochran, Chris, ed. and compiler, *Making Defensible Decisions: A Manual for Local Historic Preservation Commissions and Design Review Boards*. Vermont Division for Historic Preservation, 2002

MUNICIPAL MASTER PLAN: HISTORICAL RESOURCES CHAPTER

RSA 674:2 II(b)

The master plan is a fundamental planning tool to help a community meet the challenge of making sound decisions related to its development. It is both a reference and policy document. The master plan contains appropriate maps, charts and supporting text, which present the recommendations of the planning board, and offers guidelines for community decision makers. It forms the basis for policies and ordinances that the community develops, adopts and implements to manage and direct municipal growth, development, and change. In New Hampshire, adoption of a master plan is now a prerequisite for implementing zoning and some other land use controls.

The only two chapters required by state statutes in all municipal master plans are the vision and land use chapters. However, the state statutes also recommend the addition of several other chapters depending on the needs of each community. The historical and cultural resources chapter is one of the recommended chapters. If developed it should clearly state the community's desire to preserve and protect the town's historical and cultural resources. It can discuss the positive benefits of preservation, including defining community character, preserving history and a sense of place, revitalizing downtowns, reducing waste, and creating jobs.

The historical and cultural resources chapter can discuss the positive benefits of preservation, including defining community character, economic vitality, revitalizing downtowns, and preserving history and a sense of place.

The historical and cultural resources chapter is usually written by a committee representing a local preservation entity, such as the heritage commission, historic district commission, historical society, or some combination. Interested citizens can also be invited to participate, and it is recommended that the planning board be involved. The regional planning commission and private consultants can provide assistance in drafting the chapter. Once a draft is complete, a public hearing or forum will allow the committee to present its ideas and solicit feedback.

In drafting the chapter, the following questions may serve as a useful guide:

- Why is historic preservation important to the community?

- What elements of our heritage do we want to preserve?
- What has the community previously done to preserve and protect that heritage?
- What is currently being done to preserve and protect that heritage?
- What can be done in the future to preserve and protect it?
- When should this work occur and by whom?



Town of Pembroke clock, pre-revitalization, courtesy photo

The chapter typically includes the following sections:

OVERVIEW HISTORY

The chapter should begin with a brief history of the community. The overview should highlight the community's development from its earliest settlement through the present, identifying the influences, trends, and patterns that shaped the community. The narrative is most easily written if the community's history is broken into periods and/or themes that affected local history (e.g., early settlement, agriculture, emergence of a village, arrival of railroad, mature industrial growth, early tourism, automobile transportation), as they will have influenced building and development patterns. Historic maps, census data, town and county histories, and city directories are good sources of information.

HISTORICAL RESOURCES SURVEY

A summary of the findings from the historical resources survey, focusing on typical types and location of resources, clusters or historic areas/districts, as well as rare and unique resources, is included in the chapter. The full survey should be formally adopted as part of the master plan.

The Towns of Exeter, Pembroke and Merrimack recently inserted historical resource chapters into their Master Plans.

HISTORICAL RESOURCES MAP

The historical resource map(s) should locate all of the historic areas that were identified in the survey, as well as all historical resources that fall beyond these areas. If the town has any National Register or locally designated historic districts, they should be mapped, as well.

SUMMARY OF PAST PRESERVATION ACTIVITY

This component of the chapter summarizes all previous preservation activities undertaken within the community, such as establishing historic districts, publishing a walking tour, creating a heritage commission, an unsuccessful effort to enact a demolition review ordinance, and so forth.

GOALS AND IMPLEMENTATION STRATEGIES

The committee can hold a series of work sessions and public forums to develop goals. Goals might include any of the preservation planning tools

included in this chapter—or be specific to the community in question, such as developing a plan to preserve vacant publicly owned buildings. Each goal needs to be prioritized and accompanied by an implementation strategy outlining who will undertake it, how and when.

MERRIMACK:

<http://www.ci.merrimack.nh.us/departments/communitydevelopment/2002%20Master%20Plan%20Update/Chapter%20VIII%20-%20Historic%20Resources%20final.pdf>

EXETER:

<http://www.rpc-nh.org/PDFs/docs/H&CR-Chapter-11-Final-12-2004.pdf>

PEMBROKE:

http://www.pembroke-nh.com/pdf/2005_master_plan/Adopted_Historic_and_Cultural_Resources_06-04.pdf

FOR MORE INFORMATION:

White, Bradford J. and Richard J. Roddewig, *Preparing a Historic Preservation Plan*. American Planning Association Planning Advisory Service Report #450, 1994

As of early 2006, there are 105 districts and 602 individual properties listed on the National Register in New Hampshire.

NATIONAL REGISTER OF HISTORIC PLACES

The National Register of Historic Places is the nation's official list of historical resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archeological resources. Resources can be buildings, districts, sites, landscapes, structures or objects that are significant in American history, architecture, archeology, engineering, or culture. Properties can be listed in the Register either individually or as part of an historic district. If a property is part of a district, it will be designated either a contributing or a non-contributing resource. Each contributing resource has all the same benefits of listing as individually listed properties.

Benefits of listing on the National Register, whether individually or as part of an historic district, are as follows:

- Recognition that a property is of significance to the nation, the state, or the community
- Some protection from impacts caused by state or federally funded, licensed or assisted projects
- Eligibility for federal tax benefits if undertaking

an approved rehabilitation project and the property is income-generating

- Qualification for federal assistance for historic preservation, when funds are available
- Special consideration or relief in application of access, building and safety codes
- Strong marketing tool for owners and businesses
- Leverage for the community when working with developers, in that listing publicly recognizes a significant community asset.
- Promotion of the unique features of buildings helps owners make sound decisions on rehabilitation and maintenance issues
- No restrictions on using or altering the property, as long as only private funds are involved

For a property to be listed on the National Register, it must go through a nomination process. While anyone can prepare a National Register nomination, the depth of research and architectural analysis required leads many people to seek the assistance of a preservation consultant. The first step is to complete an inventory form (see Historical Resource Surveys) to determine whether the property is eligible for the Register. If so determined, a National Register nomination form is then completed and submitted to the New Hampshire Division of

Historical Resources (DHR) for review and approval, after which it is forwarded to the National Park Service for final approval and listing. Before embarking on a nomination, the applicant should contact the DHR, both for assistance in determining whether the property or district might be eligible for the Register and to obtain the specific instructions for completing nominations in New Hampshire.

FOR MORE INFORMATION:

The New Hampshire Division of Historical Resources' web page will link you to the National Park Service and its instructions and bulletins on completing nominations: <http://www.nh.gov/nhdhr/natreg.html>

Sources and techniques for collecting the necessary data to nominate a property to the National Register of Historic Places: www.cr.nps.gov/nr/publications/bulletins/nrb39/nrb39_1.htm

STATE REGISTER OF HISTORIC PLACES

New Hampshire's State Register of Historic Places recognizes and encourages the identification and protection of historical, architectural, archeological and cultural resources. Resources may be buildings, districts, sites, landscapes, structures or objects that are meaningful in the history, architecture, archeology, engineering or traditions of New Hampshire residents and their communities.

A resource must meet at least one of the following four criteria for listing:

1. Tell a story about an event(s) that is meaningful to a community's history
2. Have an association with a person(s) who made important contributions to a community, professional or local tradition
3. Represent a local architectural or engineering tradition; exemplify an architectural style or building type; or serve as a long-standing focal point in a neighborhood or community
4. An identified, but unexcavated and unevaluated archeological site that is likely to yield significant information about the lives, traditions and activities of former residents

Generally, an eligible resource must be at least fifty years old. It must also retain enough of its historic character and physical attributes to illustrate what it is being nominated for.

Properties that are listed on the State Register:

- Are publicly recognized for their significance to a community
- Are considered in the planning phase of local or state-funded or assisted projects
- Qualify for state financial assistance for preservation projects, when such funds are available
- Receive special consideration or relief in application of access, building and safety codes



Centennial School, photo courtesy: Milford School Board

Owners of properties:

- Receive a complimentary one-year membership to the New Hampshire Preservation Alliance
- Are not restricted from using or altering the property, as long as only private funds are involved

The State Register is administered by the New Hampshire Division of Historical Resources (DHR), which provides forms and instructions for listing both individual properties and districts. A property owner can prepare the form, or arrange to have it completed by a professional in the preservation field. Before proceeding, contact the DHR for general assistance and to ensure an inventory form for the property is not already on file. After DHR staff have reviewed the completed form and evaluated whether it meets the State Register criteria, it will recommend it for listing at the State Historical Resources Council's quarterly meeting. Once approved, the DHR sends a letter and certificate to the property owner, informing him that the property has been listed.

FOR MORE INFORMATION:

New Hampshire Division of Historical Resources: <http://www.nh.gov/nhdhr/barnstatereg.html>.

The form can be downloaded from their web site: <http://www.nh.gov/nhdhr/formsmanual.html>

HISTORIC DISTRICTS

When it comes to recognizing or protecting historic character in a specific area of the community, municipalities have three options, each of which is distinctively different: (1) National Register historic districts, (2) locally designated historic districts, and (3) neighborhood heritage districts. The districts can be separate designations or can overlap with each other. The town's historical resources survey will identify areas within the community where a particular type of district might be appropriate.

There are three distinctly different types of historic districts for a community to choose from, ranging from the solely honorific to those that manage change.

NATIONAL REGISTER HISTORIC DISTRICT

A National Register district, while initiated at the local level, is ultimately approved by the state and federal government. Such districts impose no review or restrictions on the use or alterations to properties in the district *unless* state or federal funds, permits or licenses are involved. For detailed information on National Register historic districts, see the section on the National Register.

LOCALLY DESIGNATED HISTORIC DISTRICT

A locally designated historic district is a zoning (usually overlay) district. Such districts are created at the local level and administered by a local citizen commission that approves exterior alterations, new construction and demolition within the district, using regulations and guidelines developed by the community. For detailed information on creating and administering a locally designated historic district, see the chapter on this subject.

NEIGHBORHOOD HERITAGE DISTRICT

A neighborhood heritage district (also known as a neighborhood conservation district) is similar to a locally designated historic district in that both are zoning districts, but the heritage district operates under more flexible, less stringent standards. A heritage district is a group of buildings and their settings that are architecturally and/or historically distinctive and worthy of protection based on their contribution to the architectural, cultural, political, economic or social history of the community. Sometimes a heritage district lacks sufficient significance or integrity to be designated as a traditional historic district. Other times, the neighborhood or political climate favors looser standards.

Within a neighborhood heritage district, some degree of change is subject to mandatory review

and approval. In most instances, the change is defined as major alterations, additions, new construction, demolition or relocation. Some communities have binding review over major changes and advisory review over minor changes, such as window replacement, applying synthetic siding, removing architectural trim and demolition of a part of a building, such as a porch. Overall, heritage districts seek to limit the detrimental effect of alterations, additions, demolitions and new construction on the character of the community through a combination of binding and non-binding regulatory review.

Nationally, towns and cities with heritage districts report that they have controlled teardowns, increased or preserved the supply of affordable housing, revitalized neighborhoods close to downtowns, guided small business expansion into residential areas, and prevented larger commercial encroachment.

There is a high degree of citizen participation in creating a heritage district. The neighborhood initiates the process, with support and assistance from the heritage commission and planning board/staff. Residents develop the standards under which the district is administered, by deciding what the special qualities of the neighborhood are, and what type of change they wish to avoid. Once established, neighborhood representatives sit on the review board.

Advantages:

- Offers an alternative when a locally designated historic district is not likely to be well received
- Created, tailored and largely administered by those most affected
- Less stringent than a locally designated historic district

Disadvantages:

- Less restrictive nature may not provide adequate protection, particularly if the district contains highly significant or architecturally distinctive buildings
- May not prevent major remodeling and loss of important architectural details

FOR FURTHER INFORMATION ON NEIGHBORHOOD HERITAGE DISTRICTS:

Miller, Julia, *Protecting Older Neighborhoods Through Conservation District Programs*. National Trust for Historic Preservation, 2004

NATIONAL HISTORIC LANDMARK

A national historic landmark is a property of national significance that has been so designated by the Secretary of the Interior, upon recommendation of the National Park Service, because it possesses exceptional value or quality in illustrating or interpreting the heritage of the United States. Each landmark has a special quality that makes it historically significant to the entire nation. Landmarks can be districts, sites, buildings, structures or objects. Landmarks are automatically listed on the National Register of Historic Places.

Landmarks are granted protection from any federal undertaking. Federal agencies whose projects affect a landmark must give the Advisory Council on Historic Preservation an opportunity to comment on the project and its effects on the landmark. Owners of landmarks may be eligible for limited federal historic preservation funds and preservation technical advice from the National Park Service staff. Designation places no restrictions on the property owner, who is free to manage the property as he chooses.

The nomination process has some similarities to



Courtesy photo

Harrisville's mill village is a National Historic Landmark.

that of the National Register, though different criteria apply, and final designation is made by the Secretary of the Interior. An applicant should contact the New Hampshire Division of Historical Resources before embarking on a nomination.

FOR MORE INFORMATION:

New Hampshire Division of Historical Resources:
www.nh.gov/nhdhr/notreg.html

National Park Service: www.cr.nps.gov/nhl/qa.htm

ARCHEOLOGICAL SITES AND PROGRAMS

New Hampshire contains an array of archaeological sites worth protecting. These sites are a non-renewable resource, which collectively constitute a unique record of human achievement spanning at least 12,000 years, from the first human occupation after the retreat of the glaciers, through the displacement of Native American Indian cultures by European colonists, and up to the recent past.

Archaeological sites are a tangible source of information on the cultures of New Hampshire's Native American Indians before the arrival of Europeans. For the historic period, archaeological sites provide critical data that can balance, expand, corroborate or contradict written and oral history.

Archeological sites are protected in the same manner as standing resources—considered in the historic preservation review process that is initiated when public funds, permits or licenses are involved.

SCRAP

RSA 227-C:4 & 10

SCRAP is New Hampshire's nationally acclaimed State Conservation and Rescue Archaeology Program, the oldest of its kind in the country. It

was established in response to a state statute requiring the DHR to carry out a program of archaeological research, including surveys, excavation, scientific recording, interpretation and publication and to train and certify nonprofessional persons in the technical skills of archaeology. The underlying purpose behind SCRAP is to increase the rate of site discovery and evaluation, reduce the rate of site destruction, recover information from archaeological sites about to be destroyed, and conduct original research.

The program is administered by the Archaeology Bureau of the New Hampshire Division of Historical Resources, which offers individualized training, workshops, regularly scheduled laboratory sessions, and annual summer field schools designed for both avocationalists (many of whom have no previous experience) and students seeking academic credit. Plymouth State University serves as the academic host institution for the field schools, and participants are drawn from across the country.

FOR MORE INFORMATION:

SCRAP web site: <http://www.nhscrap.org>

National Park Service publications on archeology:
www.cr.nps.gov/aad/aepubs.htm

New Hampshire was the first state to establish a citizen archeological training program.

HISTORIC PRESERVATION REVIEW AND COMPLIANCE

Historic preservation review and compliance is a consultation process between the New Hampshire Division of Historical Resources (DHR) and the appropriate public agency to identify significant historical resources so that any harm to them from government-assisted actions can be avoided or minimized. It is intended to be a conflict-

NEPA to meet Section 106 requirements.

RSA 227-C:9 All State of New Hampshire licensed, assisted, or contracted projects, activities, and programs are subject to the review requirements of a similar state law. State agencies, departments, commissions, and institutions are required to submit such undertakings to the DHR for a determination of whether the proposed may affect historical resources.

Many projects receive no public funding, but require a publicly issued permit or license, thus opening the door to project review by the DHR. For instance, an application for a wetlands or storm water permit, a cell tower license, or a curb cut needed by a new bank, could trigger review and result in a project redesign that enhances the historic character of the surroundings or preserves a valuable building.

If a project is conducted entirely with local, private or donated funds, and there are no public permits, licenses or funds involved, review by the DHR is not required. However, project sponsors may always request a technical assistance review from the DHR to determine whether the proposed work meets The Secretary of the Interior's Standards for the Treatment of Historic Properties, or what would be needed to meet the standards. The DHR can often recommend approaches to the project that are less costly and damaging to the historical resource. If federal or state funds, permits or licensing become involved later, the project must then be submitted formally to the DHR for review.

Advantages:

- Broad range of federal or state undertakings often opens the door to project review by the DHR

Disadvantages:

- DHR recommendations only advisory

FOR MORE INFORMATION:

"Protecting Historic Properties: A Citizen's Guide to Section 106 Review." Advisory Council on Historic Preservation. www.achp.gov/citizensguide.pdf



photo courtesy: Elizabeth Durfee Hengen

This historic mill building in Claremont, with its distinctive "sawtooth" roof design, was slated for demolition, until a Section 106 review and compliance process resulted in a plan to convert it into a parking structure.

resolution and problem-solving system that balances the public interest in historic preservation with the public benefit from a variety of governmental initiatives.

16 U.S.C. 470 All federally funded, licensed, or assisted projects in New Hampshire are subject to the review requirements of Section 106 of the National Historic Preservation Act of 1966, as amended. Federal agencies or their legal designees are required to take into account the possible impacts of their projects on historical resources and to submit proposed projects to the DHR for a determination of potential effect on properties that are listed, or are eligible for listing, in the National Register of Historic Places. For those agencies with a well-developed National Environmental Policy Act process, the agencies are allowed to use Environmental Impact Statements or Environmental Assessments prepared under

DEMOLITION REVIEW ORDINANCE

A demolition review ordinance (often called a demolition delay ordinance) can help prevent the loss of historically and architecturally significant buildings. While such an ordinance does not prevent demolition, it provides a valuable time-out to explore alternatives, and many communities with the ordinance report a high success rate in saving important buildings. The ordinance can apply to an entire community or just to designated areas. Some municipalities impose a longer delay for resources listed on the National or State registers.

Generally, the ordinance is adopted as an amendment to the building code and administered by the heritage commission or a subcommittee of the commission. The delay period can be for any specified period of time, but generally runs from thirty to ninety days, or a sufficient time period to evaluate the significance of the building, meet with the owner to discuss concerns and options, hold a public hearing, document the structure and perhaps salvage distinctive architectural features. The criteria for triggering the ordinance typically requires that the building (or structure) be at least fifty years old; be visible from a public right-of-way; and be at least 250 square feet. However, if a qualifying building has been determined by the building inspector to be a public hazard, it is exempt from the ordinance. In crafting a demolition review ordinance, it is advisable to structure it so it can run in tandem with the timeframe imposed by other permits that might be required.

The demolition review process can begin in one of several ways; (1) when an application for a demolition permit has been submitted; (2) when an application for site plan review has been submitted and the intent to demolish a building is either shown on the plan or clearly expressed in the written portion of the application; or (3) when the owner sends a letter of intent to the building or code inspector. The building inspector then notifies the heritage commission/review subcommittee which determines whether the property is significant and warrants the delay to explore alternatives.

Communities have a great deal of flexibility in creating a demolition review ordinance and can draft it to reflect local concerns and conditions. At a minimum, the ordinance should include the following provisions:

- Overview/purpose statement
- Definitions of commonly used terms

- Criteria for buildings affected by ordinance
- Procedures detailing the review process
- Responsibilities of the review committee
- Responsibilities of the owner
- When the review period begins and when it is completed



Clinton Street farmhouse, photo courtesy: Elizabeth Durfee Heugen

Advantages:

- Allows the municipality to consider the impact of proposed demolition at an early stage in the project, thus facilitating communication and cooperation and avoiding the conflicts that often arise when last-minute compromises are sought.
- Provides an early alert and often enables the heritage commission to be involved in the site plan review process
- Provides leverage when it seems that no alternative to demolition can be met: the review board can agree to shorten the review period in exchange for design review and approval of new construction. This can be useful when time considerations are critical for the developer.

Disadvantages:

- Delaying demolition does not ensure that demolition will be avoided.

FOR MORE INFORMATION:

Letunic, Maria Esq., *Demolition Delay Protection: A Guide for Local Historical Commissions*. Massachusetts Historical Commission, 1989.

Demolition Review Ordinances in New Hampshire: Concord (Chapter 26 Article 26-9):

http://library12.municode.com/gateway.dll/NH/new%20hampshire/1?f=templates&fn=default.htm&nusername=10210&npassword=MCC&npc_credentialspresent=true&vid=default

Keene (Chapter 18 Article IV):

http://library12.municode.com/gateway.dll/NH/new%20hampshire/485?f=templates&fn=default.htm&nusername=13267&npassword=MCC&npc_credentialspresent=true&vid=default

The church that owned this late 19th century farmhouse applied for a demolition permit. After going through the demolition review process, the church elected instead to renovate it for housing. "It was the best decision we ever made," stated the minister.

ARCHITECTURAL DESIGN REVIEW

Architectural design review can be an enormously effective means of managing the appearance of new construction and rehabilitation. Review can

and required to meet with the town planner to go over them. If, following the meeting, the applicant decides not to participate further in the process, he must provide the town planner with the rationale for that decision. Some communities offer incentives, such as free design assistance, if an applicant complies with design review. Local Main Street programs often offer low-interest loans or matching grants to downtown businesses to help finance building façade improvements that meet established design guidelines.

Basic information on developing design guidelines is included in the chapter on locally designated historic districts.

Advantages:

- Offers a way to manage the appearance of new construction and rehabilitation.
- Helps reinforce the character of an historic area and protect its visual elements
- Protects the value of public and private investment, by managing change
- Articulates the design approaches the community seeks
- Draws investors interested in a community's visual appearance
- Can result in higher caliber projects
- Serves as a tool for developers and their design professionals
- Increases public awareness of design options
- Does not typically increase construction costs

Disadvantages:

- Does not address growth itself
- Is limited to exterior work
- If not based on historical context, review decisions could result in loss of historical features or character
- Requires staff, a committee or board to oversee and work with applicants



Irving gas station, Meredith, photo courtesy: Elizabeth Dunfee Hengen

Meredith adopted town-wide, non-historic design review in 2001. For a number of years, Wolfeboro has used a voluntary design review program. Each community developed design guidelines.

be applied both to historic areas that are not locally designated historic districts and to non-historic areas. (A locally designated historic district automatically has a design review element.) Most design review programs have accompanying design guidelines that articulate the community's goals with respect to new construction and rehabilitation. The guidelines give an applicant fair and advance notice of the community's expectations with regard to building design, siting and materials. They also provide the basis for rational, informed and consistent decisions.

Some communities establish voluntary design review programs. In Wolfeboro, all site review applicants are encouraged to follow the guidelines

Concord has had architectural design review since 1967. Most cluster developments, manufactured housing parks, projects requiring major site plan review, permits for signs in certain locations or of a certain size, and building permits for exterior alterations within a performance district are subject to design review. A design review committee reviews these applications and makes recommendations to the planning board.

SITE PLAN REVIEW

RSA 674:43-44

A community that has adopted a zoning ordinance and subdivision regulations can authorize its planning board to review and approve or disapprove site plans for non-residential projects and residential projects that have buildings containing more than two units. Any such project involving new construction, change in use, or expansion of use would be subject to site plan review.

The planning board must adopt regulations under which it will exercise its power. Among other items, the regulations can address open space, landscaping, lighting, relationship to other aspects of the community's aesthetic or historic character, circulation of pedestrian and vehicular traffic, and location of signs. Applicants can also be required to show any existing historical resources on the site plan. If a project involves the demolition or rehabilitation of an historic resource, the planning board can condition an approval subject to heritage commission review and approval.

Site plan review significantly extends the power of a community to control the character and execution of development and to ensure that new projects are compatible with or sensitive to existing conditions. Unlike conventional zoning and subdivision regulations, which allow little room for negotiation between the planning board and a developer, site plan review makes it possible to impose conditions specific to a site.

Advantages:

- Gives a municipality regulatory control over major development that does not involve subdivision, thus closing a loophole in local planning controls
- Allows site-specific control of development

- Can involve the heritage commission as an advisor to the planning board
- Can provide significant control over the visual characteristics of a project
- Helps/allows the town to preserve the character and aesthetics of the community.



Abbott Farm, Concord, photo courtesy: Colin Curley

Disadvantages:

- Does not control land use—only regulates how a project is designed
- Does not apply to one or two-unit residential development

FOR MORE INFORMATION:

Subdivision and Site Plan Review Handbook, Southwest Regional Planning Commission, 2001

Model Non-Residential Site Plan Regulations, Nashua Regional Planning Commission, 2002

<http://www.nashuarpc.org/publications/>

A zoning ordinance usually starts with a purpose statement—a critically important opportunity to include a statement that the protection of historical and architectural resource is one of the ordinance’s purposes.

ZONING ORDINANCE

RSA 674:16-20

Zoning is a means of controlling the use of land, offering numerous options to help protect and preserve cultural and historical resources within a community. Zoning can be invaluable in protecting community character by ensuring that the use, type, density, height, and setback of new development are reasonably sympathetic with surrounding uses and structures.

The ordinance is created by the local governing body, with major input from the planning board, and voted upon by the town/city council or at town meeting. The planning board administers the principles established by the ordinance. Requests for a variance or special exception, as well as certain appeals, are directed to the zoning board of appeals.

Most zoning ordinances divide the municipality into districts or zones, typically classified as residential, commercial, industrial, rural, or mixed. More specific districts might include a central business district, neighborhood commercial district, institutional district and so forth, each of which can have standards tailored to the character of that district. An historic district that is locally designated is usually an overlay district.

Any zoning ordinance should align with the vision of what citizens want their community to be. In particular, it should be compatible with the preservation objectives outlined in the historical

resource chapter of the master plan. For instance, problems often arise when a historic neighborhood is zoned for retail, office or industrial uses, as it creates pressure to demolish or inappropriately remodel an older building. Required off-street parking can work at cross-purposes with small lots. Or an historic downtown characterized by two and three-story buildings, might have zoning that allows much taller buildings. A blanket statement that clarifies that the intent of the ordinance is not to cause the loss of significant historical and cultural resources can help prevent inadvertent conflicts.

Advantages:

- Introduces some predictability in municipal growth
- Provides an opportunity to articulate the community’s commitment to protecting its historic character
- Can affect physical elements in new development, such as siting, setback and height

Disadvantages:

- Cannot control design or appearance
- An unsympathetic or inflexible ordinance can encourage the decline of community character if it does not accommodate the quirky development patterns typical of historic areas

FOR MORE INFORMATION:

Morris, Stephen A., “Zoning and Preservation” and “Subdivision Regulations and Historic Preservation.” *Cultural Resources Partnership Notes*, National Park Service, 1998

INNOVATIVE LAND USE CONTROLS

RSA 674:21

Innovative land use controls are optional controls that offer New Hampshire municipalities considerable range to develop creative regulations as long as they meet the following criteria: (1) they contain the standards by which decisions will be made; (2) those standards do not contradict the general intent of the land use enabling legislation; and (3) the regulations are adopted by public hearing(s) and procedural voting. Several of the controls listed in the statute are directly relevant to historic preservation planning.

TRANSFER OF DEVELOPMENT RIGHTS

The transfer of development rights is based on the fact that certain parcels of land often have a development potential that exceeds their current

or desirable use. The land may also be a significant community resource, with intense pressure to develop it, but applying conventional zoning as a means to protect it could be deemed confiscation.

The transfer of development rights permits higher densities than usually allowed at one location in exchange for limitations on development at another location—in effect transferring the rights to develop from one location to another.

This transfer has sometimes been a highly effective means of preserving historical resources in major urban areas. However, it is a complex approach for preserving community character. Transferred rights must be officially recorded so that future owners know what rights do and do not exist on the property. The municipality must develop an equitable tax structure to reflect the

shifting of the tax basis from one property to another. And, in fairness to all, every property in the municipality should be surveyed to determine where development should be encouraged and discouraged.

Advantages:

- Equitable method for gaining open space, protecting historical resources, and achieving compact development, since it compensates property owners for loss when land is not developed to highest use
- Legitimizes increasing density on some centrally located parcels

Disadvantages:

- Complex concept that can be difficult to understand, explain and promote
- Requires experienced staff to administer
- Not effective in a depressed real estate market
- Unlikely to be practical for smaller municipalities

PLANNED UNIT DEVELOPMENT

Planned unit development enables a municipality to grow in a very different way from what is permissible under conventional zoning, because it allows mixed uses to coexist. Since village centers were originally mixed use, planned unit development is compatible with historic development patterns. In fact, planned unit development ordinances encourage and allow more creative and imaginative design of land developments than is possible under district zoning regulations. They are intended to allow substantial flexibility in planning and designing a proposal.

This flexibility often accrues in the form of relief from compliance with conventional zoning ordinance site and design requirements. Ideally, it results in a development that is better planned, contains more amenities, and ultimately more desirable to live in, than one produced in accordance with typical zoning ordinance and subdivision controls.

An intrinsic, and often neglected, premise upon which the approval of a planned unit development must be conditioned, is that while greater density or more lenient siting requirements may be granted, the planned unit development should contain features not normally required of traditional developments. For example, a planned unit development ordinance often requires a certain percentage of open space to be put aside, which helps protect additional open space in the community.

Advantages:

- Allows traditional village-type development
- Decreases reliance on automobiles

Disadvantages:

- May discourage some developers, due to the often more extensive approval requirements, causing them to opt for a conventional subdivision



photo courtesy: NH Office of Energy and Planning

CLUSTER/OPEN SPACE DEVELOPMENT

Cluster development, also known as open space development, is limited to a single use—residential—and allows a developer to place the number of units allowed on the entire parcel on smaller, clustered, lots. The balance of the land is then dedicated as permanent open space. Cluster development avoids the “cookie-cutter” approach so often inadvertently encouraged by conventional zoning and lumps what would have been large backyards into sizable communal open space.

This approach to development can be an excellent solution to developing an historically significant parcel, such as a former farm or summer estate. The new development can be distanced from historic buildings or scenic vistas. To encourage the clustering of residential development, some municipalities offer increased overall density if significant natural or historical resources are protected.

To ensure the designated open space is actually of value to the community, the cluster/open space development ordinance should define whether unbuildable portions of the parcel count toward the total land area for density calculations. The ordinance can also require that the open space

Cluster development avoids the “cookie cutter” approach so often inadvertently encouraged by conventional zoning and offers opportunities for sizeable communal open space.

include significant natural or historical features, if applicable, and encourage it to link to other designated open space.

Advantages:

- Provides a buffer around historic buildings
- Minimizes the visual impact of new development
- Environmentally sensitive
- Reduces costs for roads and utilities
- Reduces road maintenance and permanently preserves undeveloped land

Disadvantages:

- Does not provide for mixed uses
- Land development often still located in the rural area of town, rather than concentrated closer to the town center

PERFORMANCE STANDARDS

Performance standards allow development to be reviewed and evaluated based on projected impacts to areas of concern spelled out in the ordinance, rather than on use and dimensional requirements. Areas of concerns could be traffic, noise, lighting levels, odor, storm-water runoff, loss of wildlife or vegetation, architectural style and so forth. The performance standards are definitive, measurable criteria used to weigh the appropriateness of a development.

Performance standards can be employed in lieu of conventional zoning or within specified zoning districts. Their use can provide greater flexibility than conventional zoning, as developers may not need to conform to specific frontage and use requirements and can design their projects in an environmentally and economically sound fashion. For example, a light commercial activity such as a general store might be permitted in a residential area, if it complied with the applicable standards for building design, parking, noise, landscaping and traffic.

Advantages:

- Encourages development that best fits the context of its environment
- Provides some design review

Disadvantages:

- More complicated to administer than conventional zoning standards

VILLAGE PLAN ALTERNATIVE

The village plan alternative provides a way to promote traditional village development, with mixed uses, in an efficient manner, with the added intent of preserving open space wherever possible. This alternative often requires design at the human scale by providing for pedestrian access, clear delineations of public and private spaces, and connections between residential and small-scale retail areas to facilitate the business of daily life.

The village plan alternative has three key components. First, the entire density permitted by existing land use regulations must be located within twenty percent or less of the entire parcel available for development. The remaining land must be placed in an easement, limiting future use to agriculture, forestry, conservation, or public recreation. Second, the village plan alternative must comply with existing subdivision regulations relating to emergency access, fire prevention, and public health and safety. However, density regulations, and dimensional requirements relating to lot size, setbacks, and frontage, shall not apply. Third, an application made under the village plan alternative ordinance must be given expedited review.

FOR MORE INFORMATION :

New Hampshire Office of Energy and Planning bulletins: <http://nh.gov/oep/resourcelibrary/TechnicalBulletins.htm>

“Preserving Rural Character through Cluster Development.” American Planning Association PAS Memo.

The Rockingham Planning Commission developed a Village Design Model Ordinance that can viewed on their website: <http://www.rpc-nh.org/Village-Design.htm>

PRESERVATION EASEMENTS

A preservation easement is a voluntary legal agreement that protects a significant historic, archaeological, or cultural resource. It provides assurance to the owner of an historic or cultural property that the property's intrinsic values will be preserved by subsequent owners. An easement grants partial interest in a property, through sale or donation, to a qualifying local governing board or non-profit historical organization (the grantee). With a preservation easement, the owner gives that second party the right to protect and preserve the historic and architectural features of the property. The property remains in private ownership, and the town continues to receive annual tax revenue.

An easement is a legally enforceable agreement filed in the county registry of deeds, thus ensuring all future owners and lenders will be aware of the restrictions when they obtain title reports. The grantee is responsible for monitoring and enforcing the terms of the easement.

A preservation easement will clearly define the historical significance of the property and specify which features are to be protected. Some easements protect only exterior features while others also include specified interior features and spaces. Yet others extend to archaeological sites, historic landscape features, and adjacent open space. If the property includes extensive undeveloped land, the owner can combine a preservation easement with a conservation easement. Most easements prohibit or limit in scope additions, alterations, demolition, incompatible uses, commercial development, and subdivision of the property. The easement will spell out the terms of inspection, monitoring and enforcement. It can run in perpetuity or for a specified number of years.

Advantages:

- A flexible mechanism that can be tailored to mesh the wishes of the property owner, the features of the property, and the mission of the protecting organization
- Interiors as well as exteriors, can be protected
- A permanent and legally enforceable mechanism that binds not only the current owner, but future owners as well



photo courtesy: Gail Rousseau Photography

- Immune from the vagaries of a political climate
- Remains in private ownership and on the tax roll
- Owner can take a charitable deduction on federal income taxes, if certain criteria are met
- Owner may be entitled to reduced property taxes if the easement reduces the market value

Disadvantages:

- Often expensive to establish and administer
- May not attain the protection they are intended to achieve if restrictions are not monitored adequately

FOR MORE INFORMATION:

Preservation Easement Program, New Hampshire

Preservation Alliance:

<http://www.nhpreservation.org/html/programs.htm>

This agricultural land and the complex of buildings shown in the distance here will be protected with preservation and conservation easements. The historic properties includes Daniel Webster's farm and buildings used by the NH Orphans Home and Sisters of the Holy Cross.

The Concord Heritage Commission, together with the City Assessor, prepared an evaluation form to assess applications for barn easements.

BARN EASEMENTS

RSA 79-D

Under state law passed in 2002, municipalities can grant property tax relief to barn owners who can demonstrate the public benefit of preserving their barns or other old farm buildings and agree to maintain their structures for a minimum of ten years by means of a preservation easement. The statute defines agricultural structures to include barns, silos, corn cribs, ice houses and other outbuildings, as well as the land on which they sit.



photo courtesy: Ruby Wallace

The owner of Pioneer Farm in Columbia secured a barn tax incentive.

The structure must currently or formerly have been used for agricultural purposes and be at least seventy-five years old. At last count, nearly 200 New Hampshire barns and other agricultural buildings in forty-eight towns had been protected in this manner.

The law is based on widespread recognition that many of New Hampshire's old barns and agricultural outbuildings are important local scenic landmarks and help tell the story of agriculture in the state's history. Yet many of these historic structures are being demolished or not maintained because of the adverse impact of property taxes. The law is intended to encourage barn owners to maintain and repair their buildings by granting them specific tax relief and assuring them that assessments will not be increased as a result of new repair and maintenance work. The program

represents a uniquely New Hampshire approach. It is strictly voluntary on the part of the property owner, and it combines established criteria and guidelines at the state level with decision-making and implementation at the local level.

In order for an easement to become effective in the coming tax year, the owner must apply to the local governing body no later than April 15. The application, a form provided by the NH Department of Revenue Administration, must include a description of how the property meets the prescribed test of public benefit and a map showing the location of the structure(s). The test of demonstrated public benefit shall be considered to have been met if the structure complies with one or more of the following: provides scenic enjoyment to the general public from a public road or waterway; is historically important on a local, regional, state or national level; contributes to the historic or cultural integrity of a property listed on or eligible for the New Hampshire State or National Registers of Historic Places, or is in a locally designated historic district. Additional information on the history or architectural value of the structure(s) is helpful.

The governing body has sixty days in which to act on the application. A public hearing is required, which may provide an opportunity for the heritage commission, historical society or others to express its support. If the municipality determines that the proposed preservation of the structure is consistent with the purpose of the law, it acquires an easement on the structure for a minimum of ten years and grants tax relief within a range of a 25% to 75% reduction of the structure's full-assessed value. With the easement in place, maintaining and repairing the building will not result in an increase in its assessed value for property tax purposes. In return, the owner agrees to maintain the structure in keeping with its historic integrity and character during the term of the easement.

FOR MORE INFORMATION:

New Hampshire Preservation Alliance
<http://www.nhpreservation.org/html/barns.htm>

New Hampshire Division of Historical Resources
<http://www.nh.gov/nhdhr/barn.html>

CONSERVATION EASEMENTS

A conservation easement operates similarly to a preservation easement but protects land and natural resources rather than historical resources. It allows a landowner to prevent future development of his land by permanently restricting future uses that could damage or destroy its scenic, recreational, ecological, and natural resource values. Like a preservation easement, a conservation easement is donated to, or purchased by, a non-profit conservation organization or a public agency (the grantee), which then enforces the restrictions in perpetuity. In New Hampshire, conservation easements are held by many parties, including the Society for the Protection of New Hampshire Forests, regional land trusts, and local conservation commissions.

Each easement is tailored to fit the natural characteristics of the land, the personal needs of the owner, and the objectives of the organization or agency. Since the land remains in private ownership, the town continues to receive annual property tax revenue. Oftentimes, the property owner is eligible for a charitable deduction for the easement donation.

Most conservation easements prohibit commercial, industrial, and mining uses of the land. These include changing the topography, such as dredging and filling in wetlands, or along shorelines; disturbing the habitat of rare or endangered species of plants or animals; erecting outdoor advertising structures such as billboards; removing topsoil and other surface or sub-surface materials; and constructing residential, commercial, or industrial buildings. Agricultural and forestry management are typically permitted, even encouraged. Occasionally, the easement will allow limited subdivision but unless such activity has been spelled out up front in the document, it is prohibited.

Since a conservation easement generally excludes buildings, any historic buildings that are associated with conserved land are best protected with a parallel preservation easement or a combined preservation-conservation easement.

FOR MORE INFORMATION:

Conserving Your Land, Options for New Hampshire Landowners. Center for Land Conservation and Society for the Preservation of New Hampshire Forests, 2004. Available from Society for the Protection of New Hampshire Forests, the www.spnhf.org/landconservation/conserve-your-land.asp

A conservation easement can be combined with a preservation easement to protect both an historic building and its setting.

CURRENT USE

RSA 79-A

Current Use is a program designed to preserve open space by assessing the value of a qualifying parcel of land at its current, rather than at its highest and best, use. By taxing land at a significantly lower property value than current land valuation may suggest, owners have an incentive to keep their land free from development pressure. The current use statute recognizes that preserving open space and maintaining the character of the state's landscape is in the public interest.

Lands that are eligible for current use assessment include farmlands, forest land, unproductive land, and wetlands. In general, farmland, forest land, or unproductive land needs to total ten or more acres. However, lands of any size that are undeveloped, actively devoted to growing agricultural or horticultural crops, and have an annual gross income from the sale of crops of at least \$2,500 are also eligible. In addition, certified tree farms and tracts of unimproved wetlands are eligible with no acreage restrictions.

A range of current use values is provided for each type of eligible land classification. If the land is taken out of current use, the purchaser pays a land

use change tax levied at a rate of 10% of the full and true value of the land, in addition to the full real estate value taxes.

A landowner must submit an application to the local assessing officials on or before April 15 of the year for which the current use assessment is first requested. If the land meets the criteria and is classified for current use assessment, assessing officials must record this with the county registry of deeds.

Advantages:

- Helps preserve historic landscapes
- Can be combined with an easement on agricultural buildings for a higher degree of tax relief and protection
- Recognizes the public benefit of preserving land

Disadvantages:

- Provides only temporary assurance of land protection; land assessed at current use can be developed at any time upon payment of a relatively minimal penalty
- Excludes historically significant buildings or landmarks associated with open land

FOR MORE INFORMATION:

Current Use Criteria Booklet:

<http://www.nh.gov/revenue/currentuse/currentuse.htm>

PROMOTING AGRICULTURE

RSA 21:34A, 672:1 III-b

The open lands of an operating farm are a defining component of many communities' historic landscapes. There are several mechanisms to protect farming and its associated open space; they can be used on their own or in conjunction with each other.

Agricultural zoning districts can preserve farmland and open space by keeping development low density and restricting non-agricultural land uses. These districts should be designed to accommodate secondary agricultural activities and accessory uses, such as farm stands, creameries, cheese factories, apple warehouses and on-farm worker housing. The ordinance can also allow agricultural activities throughout the town, thus softening the impacts of development.

Site plan review regulations should be written with the unique characteristics of agriculture in mind to avoid inadvertently discouraging farms from making the improvements necessary to remain viable. RSA 674:43 allows a municipality to establish threshold limits below which site plan review is not required; farm stands and other farm operations might be well suited for such exemption.

RSA 432:33 The "Right-to-Farm" law protects farmers from legal claims of nuisance as a result of changed conditions, such as a new residential subdivision in or near the farming area, even when that residential use has become the predominant use in the area. RSA 432 also allows for the acquisition of agricultural land development rights, which aims at preserving agricultural land and its potential.

Communities can re-enforce their commitment to support active, productive family farms by establishing a Right-to-Farm principle within the zoning ordinance. The ordinance can require developers of properties adjacent to actively farmed land to establish buffers to help prevent

conflicts and to inform potential abutters that the farm has the right to carry out farm-related operations and cannot be considered a nuisance if best management practices are used.

Advantages:

- May help preserve the large tracts of land necessary for farming
- When combined with cluster development (see Innovative Land Use Controls), can protect a community's remaining farmland and still accommodate growth
- When paired with deed restrictions or transfer development rights (see Innovative Land Use Controls), can reserve productive land for potential agricultural use in perpetuity
- Can be coupled with a conservation easement to ensure permanent protection of active farmland
- Can be coupled with a preservation easement or a barn easement to protect the historic farmstead, as well

Disadvantages:

- Requires large minimum lot sizes (25-50 acres) to be effective. Any smaller lot sizes merely tend to place residential development on larger lots, thus consuming more land and making it more expensive for farmers to acquire tracts of sufficient size to farm.

FOR MORE INFORMATION:

"Preserving Rural Character: The Agriculture Connection." NH Office of Energy and Planning, Technical Bulletin No. 6, Winter 2000

"Is Your Town Farm Friendly?" New Hampshire Coalition for Sustaining Agriculture and UNH Cooperative Extension. (Available from nada.haddad@unh.ed)

Lorraine, Annette, "Conserving the Family Farm." New Hampshire Coalition for Sustaining Agriculture and UNH Cooperative Extension, 2002. (Available from nada.haddad@unh.ed)

"Preserving Rural Character: A Resource Kit for Planners." New Hampshire Coalition for Sustaining Agriculture and UNH Cooperative Extension, 1999. (On file with every municipal planning board)

CAPITAL IMPROVEMENTS PROGRAM

RSA 674:5-8

A capital improvements program (CIP) allows a community to anticipate and control major public improvements. By scheduling and budgeting these improvements, a community can project municipal budget needs and spread them over a number of years to reduce the financial impact. Public improvements can have a major impact on a community's character—both positively and negatively. Before a growth management ordinance can be adopted, a town/city must have adopted a capital improvements program.

Capital improvements programs cover a variety of capital expenditures, ranging from fire trucks to open space to maintaining town-owned structures. Anticipating them requires a master plan to provide the necessary perspective for decision-making. The orderly allocation of capital expenditures can help guide planning board decisions and control the density of development (by deciding where to provide—and where not to provide—water and sewer).

A capital improvements program typically includes a capital budget for the next fiscal year, a six-year program of expenses and revenues, and a projection of expenditures for the period of time addressed by the master plan. The planning board, or a CIP committee appointed by the governing body and authorized by the legislative body, can develop the program and recommend a capital budget for the

upcoming fiscal year to the municipal budget committee, selectmen or city council.

Advantages:

- Public costs associated with maintaining and enhancing historical resources (including town-owned structures) can be programmed over time and sources of revenue determined
- Orderly allocation of capital expenditures can protect vistas, control the density of development and guide planning board decisions regarding subdivisions

Disadvantages:

- Some improvements actually undermine a community's character and should be considered before embarking upon them
- Improvement programs limited to public expenditures and can only indirectly influence privately financed development

FOR MORE INFORMATION:

Capital Improvements Programming Handbook.
Southern New Hampshire Planning Commission, 1994:
<http://www.snhpc.org>



Eagle Block, Newport, photo courtesy: James L. Garvin

TAX INCREMENT FINANCING

Tax Increment Financing (TIF) can be used for financing public improvements that may stimulate interest in redeveloping historic downtowns or complement ongoing projects that have a broad community benefit. If a community establishes a TIF district, it can dedicate a proportion of the additional taxes that are generated from within that area—the new money that is created from new investments—for use within the TIF district, rather than spreading it around the entire community. The funds are used to pay for improvements that benefit the district's redevelopment, such as a parking garage. Once paid for, the increased tax value of the district becomes part of the municipality's general revenues.

Advantages:

- Provides a means to finance needed infrastructure improvements without touching existing tax base

- Can attract quality development as initial tax dollars directly benefit that project
- Can revitalize historic buildings and districts
- Usually expands overall community tax base after improvements paid for
- Can be used by any community

Disadvantages:

- Requires time and thought and perhaps outside professional assistance (Regional Planning Commission or a regional economic development organization may be able to assist)
- Funds raised within TIF district must be spent within that district
- Only works if the taxable value of land and property within TIF district increases

FOR MORE INFORMATION:

"Tax Increment Financing." New Hampshire Office of Energy and Planning, Technical Bulletin 13, Winter 2001.

AFFORDABLE HOUSING

Combining historic preservation and affordable housing is a “win-win situation.” Throughout New Hampshire, large residences, fashionable apartment blocks, hotels, mills, schools, and upper floors of commercial buildings have been



photo courtesy: SW Regional Planning Commission

This award-winning rehabilitation of the Drewsville Mansion and Head Start Center in Drewsville was financed in part through low-income and historic tax credits.

converted into affordable housing. Historic buildings, which are usually centrally located, offer a terrific supply of potential space for housing units. Creating housing in these buildings returns empty or underused buildings to the local tax base, revitalizes neighborhoods, provides jobs during the construction phase, reduces sprawl and brings a market to nearby local businesses. When the units are reasonably priced, such projects further stimulate the economy by ensuring local businesses do not have trouble recruiting and retaining employees due to a lack of affordable

housing. Historic buildings also tend to be of better quality construction than many new affordable housing projects.

A substantial portion of New Hampshire’s building stock is more than fifty years old, making it potentially eligible for federal rehabilitation tax credits when rehabilitated. When buildings are converted to affordable housing, these credits can often be combined with credits, grants and loans administered by the New Hampshire Housing Finance Authority, Community Development Finance Authority, Office of Energy and Planning, and the Federal Rural Development Agency. For instance, the investment tax credit for low-income housing, allocated in New Hampshire by the Housing Finance Authority, has often been combined with the 20% historic tax credit, bringing a substantial tax savings to the developer.

To encourage affordable housing and historic preservation, municipalities can explore a variety of zoning techniques:

- Allow accessory dwelling units in large historic houses or carriage houses
- Create a mixed-use downtown zoning district
- Reduce parking requirements when historic buildings are rehabilitated

FOR MORE INFORMATION:

Housing Solutions for New Hampshire. New Hampshire Housing Finance Authority, 2004.

“Case Studies in Affordable Housing Through Historic Preservation,” National Park Service.

Barr, Alison, “Under One Roof: Combining Affordable Housing and Historic Preservation.” Published by the National Conference of State Historic Preservation Officers, 1998.

While higher costs are often cited as an impediment to historic rehabilitation projects, there are no hard statistics to prove that.

NH TOURISM POLICY

1986, 165:2. 1999, 317:4, eff. July 1, 1999

The State of New Hampshire has a policy, directed through the Department of Resources and Economic Development, that all agencies and departments within state government shall implement their statutory responsibilities in a manner consistent with promoting and encouraging the orderly growth and development of tourism within the state. Among the policy's objectives is to "foster awareness and appreciation

of New Hampshire's natural, historical, cultural, and scenic resources among its residents."

This policy clearly recognizes the important role historical resources play in promoting and sustaining the tourist industry, a critical component of the state's economy. It could be a useful policy to cite if the proposed actions of a state agency might negatively impact historical resources located in an area frequented or sought after by tourists.

SCENIC ROADS

RSA 231:157-158

Any road in a town, other than a Class I or II highway¹, may be designated as a scenic road, a designation that protects trees and stone walls situated in the public right-of-way. The law prohibits the state, municipality, or anyone working on behalf of a utility, from cutting, damaging or removing trees, or from tearing down or destroying any portion of a stone wall, unless the planning board or the municipal body so designated to carry out this law has held a public hearing and given written approval of the proposed action.

The law provides exceptions for public safety and utilities. If a tree poses an imminent threat to safety or property, the road agent may remove it, with written permission from the selectmen. A public utility may cut or remove a tree without a hearing or advance municipal permission when restoring service in an emergency situation, but should inform the selectmen of its actions and rationale afterward.

To designate a scenic road, ten people who are either voters in the town or who own land that abuts the road must file a petition. After filing, all abutters of the road must be notified within ten days. Designation occurs by vote at any annual or special town meeting.



photo courtesy: Elizabeth Dufre Heugen

Advantages:

- Stimulates local pride in, and respect for, landscape areas that contribute to the character of the community.
- Scenic road law known and acknowledged by the New Hampshire Department of Transportation.

Disadvantages:

- May incorrectly be considered an impediment to maintenance by local officials and/or road agents, and provisions not fully enforced
- Protection limited to the right-of-way
- Does not prevent an abutter from undertaking any of these activities within the right-of-way

Scenic road designation does not affect the eligibility of the municipality to receive state aid for road maintenance, construction or reconstruction, nor does it affect the rights of any abutting landowners on their property.

¹ Class I and II highways are roads on the primary and secondary state highway system, except portions within the compact sections of towns and cities as specified in RSA 229:5.V. While they cannot be designated as scenic roads, they can be designated as state or national scenic byways.

SCENIC BYWAYS

RSA 238:19-23

The New Hampshire Scenic and Cultural Byways Program was established in 1992 “ to provide the opportunity for residents and visitors to travel a



photo courtesy: Elizabeth Durfee Hengen

Scenic byway landscapes include natural, cultural and historical resources such as these in Bath Upper Village on Route 302, a scenic-cultural byway.

system of byways which feature the scenic and cultural qualities of the state within the existing highway system, promote retention of rural and urban scenic byways, support the cultural, recreational and historic attributes along these byways and expose the unique elements of the state’s beauty, culture and history.”

The program is tied directly to the National Scenic

Byways Program, which has three categories of byways: two nationally designated categories and the above-referenced state designation. All three categories are eligible for Federal Highway Administration Scenic Byway funds, part of the TEA-21 program. In New Hampshire, funds have been used for interpretive centers (some in historic buildings) and signs, scenic overlooks, safety improvements, maps, brochures, and other marketing material.

All-American Roads are the cream of the crop, representing a handful of the Nation’s top roadways. National Scenic Byways, the second group of nationally designated byways, are roadways that are destinations in themselves and deserve national recognition for the intrinsic values they feature. Two of the nation’s National Scenic Byways are located in New Hampshire: White Mountains Trail and Kancamagus Highway.

The third category of byways are state-designated byways. They are widely varied in character, ranging from the eighteen-mile Coastal Byway, to the Lakes Region Tour around Lake Winnepesaukee, to the one-mile Amoskeag Millyard Scenic and Cultural Byway.

FOR MORE INFORMATION:

The New Hampshire Office of Energy and Planning administers the state program and is a liaison for the national program: <http://nh.gov/oep/programs/SCBP/index.htm>

Mastran, Shelley, “The Protection of America’s Scenic Byways.” National Trust for Historic Preservation Information Booklet, 1996

As of 2006, there are over 1,000 miles of highways in New Hampshire designated as scenic and cultural byways.

STONE WALL PROTECTION

RSA 207:36, 231:157-159, 472:6, and 539:3-4

New Hampshire has several statutes that offer protection to stone walls, whether or not they are located on designated scenic roads, but the provisions are weak, enforcement is difficult, and the fines are negligible. RSA 472:6 is probably the most useful law: it makes it a misdemeanor to deface, alter, or remove a stone wall that serves as a boundary marker.

It is more effective to address stone wall protection at the local level by passing a stone wall ordinance. This ordinance can prohibit removing or relocating stone walls due to land use activity. Towns without zoning, or that may not need otherwise to amend their zoning ordinance at the next town meeting, can adopt such provisions as a stand-alone town ordinance by a town meeting warrant article. Adopting such an ordinance at the local level also strengthens the validity—and defensibility—of decisions made by planning boards, zoning boards, or selectmen in their efforts to protect or preserve stone walls.

Danbury's Land Use and Zoning Ordinance addresses stone wall protection as follows: "Land use activity may not alter the location of or remove any roadside stone wall which was made for the purpose of marking the boundary of, or which borders, any public road in the Town of Danbury, except upon written consent of the Board of Selectmen, or the Planning Board, or the New Hampshire Department of Transportation. Exemptions: driveways and points of access approved by appropriate state or local authorities." [3.7. and 3.7.1]

The many roles and values of stone walls—and the reasons for preserving them—should be discussed in the municipal master plan, and detailed guidelines for retaining and protecting stone walls ought to be part of the subdivision and site review

regulations that are adopted and used by local planning boards. Inserting a line item in the Capital Improvements Program for maintenance and repair of municipally-owned stone walls is another way communities can demonstrate a commitment to saving stone walls. Municipal

The best way to protect stone walls is to pass a local ordinance



photo courtesy: Lynn Martin Gazon, NH State Council on the Arts

public works departments can stockpile stones excavated as a result of road, sewer or cemetery work (and can also receive "contributed" stones from private construction projects within the town) to be used for repair and restoration of stone walls.

Stone walls are distinctive features of our communities.

Advantages:

- Statutes alert the public that stone walls need protection
- Local ordinance strengthens local decisions affecting stone walls

Disadvantages:

- State statutes alone insufficient to protect stone walls.

Newington asks developers to donate all stones they excavate to the town for use in repairing walls.

ROADSIDE TREES PROTECTION

There are a number of state laws that protect roadside trees, whether or not they are located on a designated scenic road.



photo courtesy: Elizabeth Muzzey

RSA 231:139 (and several following sections) provides several important checks to prevent insensitive roadside clearing or removal of trees, banks and hedges on the side of the road that serve as a protection of the highway or that add to the beauty of the roadside. It also allows a municipality to appoint a local tree warden to oversee the preservation of shade and ornamental

trees and shrubs in public ways, parks and grounds. The warden reviews pruning and removal, recommends public acquisition of significant roadside trees, and plants young ones.

RSA 31:51 allows towns to make regulations for planting, protecting and preserving shade and ornamental trees on public lands. RSA 31:52 allows owners to plant trees on their land between the road and sidewalk if it does not interfere with public travel.

RSA 231:172 prevents a licensee, such as a utility or communications company, from cutting, damaging, or removing any shade or ornamental tree without the owner's consent or payment for damages.

Advantages:

- Protects roadside trees and bushes at risk from annual ditching, road improvement or mowing, and from construction or maintenance of utility lines
- Creates an official advocate for preserving and protecting roadside trees and growth in form of tree warden

Disadvantages:

- Municipality needs a tree warden to invoke some provisions of statute
- Possible local resistance to creating this additional public office
- Tree warden's broad discretionary authority could work against public interest

Heritage Commissions

PURPOSE

RSA 673:1(II), 674:44-b

Since 1992, heritage commissions have offered a valuable means for local government to manage, recognize, and protect historical and cultural resources. They are intended to have a town-wide scope and a range of activities that is determined by each individual municipality and geared to that particular community's needs and wants. Basically, a heritage commission does for historical resources what a conservation commission does for natural resources: it advises and assists other local boards and commissions; conducts inventories; educates the public on matters relating to historic preservation; provides information on historical resources; and serves as a resource for revitalization efforts. A heritage commission can also accept and expend funds for a non-lapsing heritage fund, acquire and manage property, and hold preservation easements.

The establishment of a heritage commission at all is purely optional. Some communities choose to have a heritage commission that is only advisory, while others want their commission to take a much more active role with educational and technical responsibilities. In communities that already have a regulatory historic district, or may be contemplating one, the community may decide to have the heritage commission assume the responsibilities of a historic district commission.¹ If the existing historic district, however, is large and requires frequent meetings to review applications, the community will more likely decide to have a separate heritage commission and historic district commission. These are all local decisions, authorized by the state enabling legislation, which gives communities a menu, not a mandate.

ESTABLISHING A HERITAGE COMMISSION

A heritage commission is created by a municipal council vote or by a town majority vote, depending on how the municipality is governed. The commission's work is guided by officially adopted rules of procedure, and in situations when

the commission is undertaking the duties of a historic district commission, regulations. (If your heritage commission will have a historic district commission component, review the chapter on Locally Designated Historic Districts.)

LAYING THE GROUNDWORK

Since establishing a heritage commission is a public process, it is vital that the public understands what a heritage commission is—and is not—before it is brought to a vote. A public informational meeting, newspaper article and presentation to other town boards that could benefit from a commission will help ensure citizens have a solid base of information and can build support for the concept. Fact sheets describing the commission's powers and duties and contact information for citizens behind the initiative can be left at the town hall, library and other frequently visited spots around town.

LEGAL PROCESS

In towns operating under a town meeting form of government, an article should be placed on the town meeting warrant to see if the town will vote to establish a heritage commission. A sample article follows:

FIRST ARTICLE To see if the Town will vote to establish a Heritage Commission in accordance with the provisions of RSA 673 and RSA 674, or take any other action relating thereto.

If more detail is needed, use "...to establish a Heritage Commission and a Heritage Fund in accordance with the provisions of RSA 673 and RSA 674:44-a, 44-b, 44-d, and 44-c if applicable (supp. 1995)."



Belmont recently established a Heritage Commission to promote recognition, use and protection of the historic and cultural resources of the town.

A heritage commission does for historical resources much what a conservation commission does for natural resources.

¹Not every historic district is regulatory. A National Register historic district is not regulatory, but a locally designated historic district and a neighborhood heritage district are regulatory. For more information on these different types of districts, see the section on historic districts in the Preservation Planning Tools, as well as the chapter on Locally Designated Historic Districts.

As of early 2006, there were thirty-six heritage commissions in New Hampshire.

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 Heritage Commission pursuant to the provisions of RSA 673:4-a and RSA 673:5, and to appoint up to five additional citizens as alternate members, or take any other action relating thereto.

The article may be included on the warrant either by direct action of the selectmen, or as a petitioned article. If submitted as a petition, twenty-five registered voters or 2% of the town's registered voters must sign the petition, whichever is less, but in either instance, there must be at least ten signatures. An example of a petition follows:

We, the undersigned legal voters of the Town of _____, New Hampshire, as provided by RSA 39:3, hereby petition the Selectmen of the Town of _____ to include the following Article in the Warrant for the 20____ Annual Town Meeting:

In municipalities operating under a council form of government, a member of the legislative body should make a motion for the establishment of the heritage commission. A sample motion follows:

I move that a heritage commission be established pursuant to RSA 673 and RSA 674. Three [or five or seven] citizens shall be appointed as members of the heritage commission pursuant to RSA 673:4-a and RSA 673:5, and up to five additional citizens shall be appointed as alternate members pursuant to the provisions of RSA 673:4-a.

Since city charters can vary widely, and many communities will require a public hearing, be sure to check with the appropriate administrators for the correct process for your community.

MEMBERSHIP

RSA 673:4-a and 673:7

Town officials appoint the members of a heritage commission. The number of members will depend upon the terms of the local ordinance, but must be between three and seven people. In addition, up to five alternate members can be appointed. It is very useful to have several alternates on the commission: they can serve on committees; they have full voting powers if sitting in absence or disqualification of a regular member; and they will be up-to-speed when a regular member's slot opens up.

Each heritage commission member must be a resident of the city or town in which the commission has been established. Terms are for three years, with staggered initial terms. In determining each member's qualifications, the

appointing authority should foremost take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the heritage commission. One member must be a member of the local governing body. While not required, it is recommended that a member of the planning board serve on the commission. If there is a separate historic district commission, one member of that commission must be an ex officio member of the heritage commission. Ideally, some of the remaining slots are filled by citizens with experience in construction, architecture or local history.

The membership requirements of heritage commissions conforms with that of historic district commissions and conservation commissions. Members of a heritage commission are allowed to serve contemporaneously on other municipal boards and commissions, a useful option in communities with few available volunteers. Parallel service also makes a citizen's expertise more widely available to a broader range of local decision making bodies.

POWERS AND DUTIES

RSA 674:44-b

The range of powers and duties of a particular heritage commission is stated in its ordinance and amplified by its regulations, if applicable. Neither the municipality nor the heritage commission can extend its powers beyond those outlined in the statute as follows:

- Survey and inventory historical and cultural resources
- Conduct research and publish findings
- Assist the planning board, as requested, in the development and review of those sections of the master plan which address historical and cultural resources
- Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting historical and cultural resources
- Coordinate activities with appropriate service organizations and nonprofit groups
- Publicize its activities
- Hire consultants and contractors as needed
- Perform a study to assess the value in creating a local (regulatory) historic district and prepare an ordinance for it
- Receive gifts of money and property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city, or the board of selectmen in a town, such

gifts to be managed and controlled by the commission for its proper purposes

- Hold meetings and hearings necessary to carry out its duties

Clearly there is a wide range of activities in which a heritage commission can be involved. Some of the most commonly undertaken—and valuable—are the roles described below.

RESOURCE TO LOCAL BOARDS & COMMISSIONS

A heritage commission is uniquely suited to advise local agencies and boards on matters that might affect historical or cultural resources. One of its purposes is to serve as steward for all such resources within the community. For instance, the planning board can consult with the heritage commission if it is reviewing a project that might impact a historic building, or the conservation commission might seek background data on a farm building associated with land it is trying to conserve. The commission could testify in support of a variance before the zoning board of adjustment, if the outcome would preserve a significant resource and retain the spirit of the ordinance. The board of selectmen might seek input when it needs to develop a work program for renovating or disposing of a civic structure. By working closely with other arms of local government, the community can avoid unnecessary adverse impacts to significant historical resources. An early consultation with the commission will often prevent a crisis situation later.

PRESERVATION PLANNING INITIATIVES

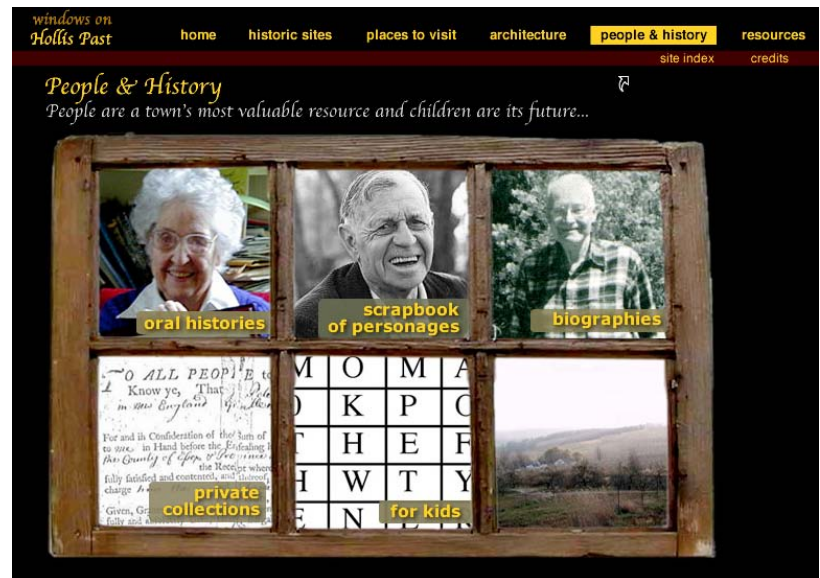
Heritage commissions are charged with preserving community character. There are myriad ways to work towards this end, many of which are listed and described in the Preservation Planning Tools chapter. Some of the more popular and widely used tools are highlighted here.

Historical Resource Survey

A priority task for the heritage commission is to have a comprehensive understanding of what its historical resources are. This is generally accomplished by undertaking a survey or inventory of a community's historical buildings, structures, and sites. A historical resource survey can aid in understanding the community's historic character and assist in determining which resources take preservation priority and why. It provides ready access to accurate, useable information regarding a building, or other type of

historical resource, at initial stages of an issue. With accurate data, a municipality can make an informed decision. The historical resource survey also plays a major role in creating a preservation chapter for the community's master plan.

Detailed information on conducting a historical resource survey can be found in the Preservation Planning Tools chapter.



Hollis has a particularly informative web site on local history:
www.hollis.nh.us/windowsonhollispast

Master Plan Chapter

The heritage commission should take an active role in writing a chapter on historical resources for the town's master plan. A master plan, sometimes called a comprehensive community plan, combines descriptive information, analysis of local trends, technical data and annotated maps. This material forms the basis for policies used by the community to manage and direct municipal growth, development and change. The historical and cultural resources chapter of the master plan should provide an overview of the history of the town or city; identify significant resources and historic areas, as well as the range of resources that illustrate its history; and offer goals and action items to manage future change that might impact those resources.

Pointers on preparing a preservation chapter in the master plan are found in the Preservation Planning Tools chapter.

Merrimack completed a comprehensive chapter on historical resources in its 2002 master plan, which can be reviewed at <http://www.ci.merrimack.nh.us/departments/communitydevelopment/2002%20Master%20Plan%20Update/Chapter%20VIII%20-%20Historic%20Resources%20final.pdf>

Demolition Review Ordinance

Several of New Hampshire's heritage commissions have spearheaded demolition review ordinances for their community. While the ordinance does not prevent demolition of a historic building, it does bring it to the attention of the heritage commission and the general public. Through discussion, education and exploration of



Courtesy photo

The Wakefield Heritage Commission raised more than \$400,000 to preserve and restore the 1871 Garvin Building after a demolition proposal threatened this landmark which had served as a railroad station, post office, general store and lodge hall.

alternative approaches, communities with a demolition review ordinance have successfully saved a number of buildings from the wrecking ball, while contributing to the tax rolls and spurring creative new development.

Information on preparing a demolition review ordinance is in the Preservation Planning Tools chapter.

Historic Districts

Three widely different types of historic districts can recognize and protect historic neighborhoods, downtowns, and rural areas. National Register historic districts provide protection when public funds, licenses or permits are involved, but do not regulate any building alterations undertaken through private means. By contrast, a locally designated historic district, which is established and administered at the local level, has established preservation standards that must be met when owners make changes to the exterior of a building. The third type of district, a neighborhood heritage district (also known as a neighborhood conservation district), functions similarly to a locally designated historic district, but with more relaxed standards.

Consult the Preservation Planning Tools chapter

for more information on National Register and neighborhood heritage districts. Detailed information on creating and administering a locally designated historic district is in the chapter devoted to that topic.

HERITAGE FUND

RSA 674:44-d

One of the innovations of the heritage commission legislation is that it allows a municipality to establish a non-lapsing heritage fund, which the heritage commission can use for activities. The fund can receive public or private monies and accumulate from year to year. The commission can expend money from the fund without approval from the local legislative body, as long as the expenditure is for an activity allowed under the heritage commission ordinance. If the money is to be used to purchase an interest in real property, the commission must first hold a public hearing. Furthermore, to protect private property rights, neither the municipality nor the commission can use the fund to condemn property. This is equivalent to the provisions of a conservation fund, which have been used successfully by conservation commissions for over thirty years.

PUBLIC AND MUNICIPAL EDUCATION

A key purpose of the heritage commission is to illustrate the public benefit of preserving a community's historical and cultural resources. There are multiple ways to raise awareness, including plaques highlighting important historic events or buildings; walking tours showcasing architectural and historic attributes of the community; exhibits on local history and distinctive citizens; school presentations; preservation awards program; website; publicizing the historical resource survey on the web site; and publishing a series of newspaper articles.

REAL PROPERTY ACQUISITION

RSA 674:44-b-II

The heritage commission can acquire real property in the name of the town or city and subject to the approval of the local governing body. The acquisition can be by gift, purchase, grant, bequest, devise, lease, or otherwise, and in the form of a fee or lesser interest, development rights, covenant, or other contractual right, including conveyances with conditions, limitations, or reversions. This mechanism was put into place as a means to maintain, improve, protect, limit the future use of, or otherwise conserve and properly use the historical

and cultural resources of the city or town. With acquisition, the heritage commission is responsible for managing and controlling the property.

HISTORIC BARN EASEMENTS

RSA 79-D

In 2002 the State of New Hampshire passed legislation to encourage preservation of historic agricultural structures by allowing discretionary preservation easements under a new tax incentive mechanism. The statute defines agricultural structures to include barns, silos, corn cribs, ice houses and other outbuildings.

In essence, the program provides property tax relief for owners of historic barns who agree to maintain the structures in keeping with their historic integrity and character for a minimum of ten years. Using statewide eligibility criteria and guidelines, the local governing body considers applications for the program, and if approved, grants tax relief within a range of a 25% to 75% reduction of the structure's full assessed value for as long as the easement is in effect. In order for an easement to become effective in the coming tax year, the local governing body must receive the application no later than April 15..

The town's heritage commission is ideally suited to identify, promote, and advise the local governing body on this program, as well as assist in implementing it. Some suggestions follow:

Encourage use: First and foremost, a heritage commission can help publicize the new tax incentive mechanism among owners of historic agricultural structures, other townspeople, and relevant local bodies such as the board of selectmen and planning board.

Support applicants: The heritage commission can help property owners research the history of their

barns, locate old photographs, and identify significant features. The commission can also provide valuable help at the required public hearings and contribute a letter of support.

Assist busy boards of selectmen: The board of selectmen or council can delegate responsibility to the heritage commission for initial review of an easement application, a site visit, and recommendation for the tax reduction. If a reduction is granted, the commission can help local officials with the annual monitoring to ensure the terms of the easement are maintained.

Spread the good word: Particularly when preservation easements are already in place, the heritage commission can encourage local newspaper coverage on how the program is working to help preserve an important part of the community's heritage.

Take stock: To get a better understanding of the number and types of historic agricultural buildings which remain in town, as well as those which have been lost, the heritage commission is encouraged to conduct a community-wide survey of these structures and to directly involve their owners in such work. These surveys are invaluable both for the data they contain and as an advocacy tool for preserving historical buildings, open space and agricultural landscapes. The New Hampshire Division of Historical Resources has developed a Farm Reconnaissance Inventory Form for such surveys, available at www.nh.gov/nhdhr/barnsurveyproject.html.

In the first couple of years of the program, nearly 200 New Hampshire barns and other agricultural buildings in forty-eight towns were protected through barn easements.



photo courtesy: Town of Lyme

The Town of Lyme has established a protocol for evaluating requests for this incentive that includes a site visit.

The Concord Heritage Commission developed a form in conjunction with the City Assessor to evaluate barn easement applications.

Charlestown, Deerfield and Frankestown have completed town-wide surveys of their barns.

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.

Since no two buildings in a district are alike, it is important that commission members understand their significance and the role each plays within the district.

LAYING THE GROUNDWORK

Establishing a local historic district is a public process, and one that can be rife with misinformation. It is vital that the public understands what it is—and is not—before a proposal is brought to a vote.

Throughout all stages of establishing a district—and even after it is operational, the historic district commission should keep local residents apprised of its purpose and benefits. The commission could host a public informational meeting, write newspaper articles and make presentations to other town boards that could benefit from the expertise of a district commission. It could create a slide show or power point presentation that showcases the significance of the district, incompatible changes, and model rehabilitation projects. It could

signs, and street furniture. Information on completing a historical resource survey is found in the Preservation Planning Tools chapter.

The completed survey will help determine the boundary of the district and serve as a basis for developing its goals, regulations and design guidelines. It will also serve as the basis for a ranking system, should the community choose to adopt one. And it will be referred to repeatedly when reviewing future applications for alterations.

Because every building is different and will not be equally important, it is essential that both commission members and applicants understand the significance of each building and the role it plays within the district. Few commission members are likely to be professionals in the fields of architecture or preservation, so the survey forms should be designed to explain how a building evolved, what it is that makes it significant, and what elements would merit preservation in a renovation project. This specific information will help ensure that project work does not adversely affect the character-defining features of a resource.

Working with a preservation consultant, Keene developed a ranking system that classified each resource within its downtown district as primary, contributing, non-contributing or incompatible. The system will be reviewed and updated every five years.

A ranking system for each resource within the district can provide a valuable way to organize the regulations that will govern the district and provide some consistency to decisions. However, it should only be undertaken with careful thought and under the guidance of a preservation professional. It also requires review and updating every five years or so, as buildings are rehabilitated or cross the fifty-year threshold.

ESTABLISHING DISTRICT BOUNDARIES

Regardless of where the boundaries of the historic district are located, they must have some relationship to the historical, cultural and/or architectural development of the area and be justified in writing. Boundaries are also strategic: care needs to be taken that change or construction on contiguous parcels beyond the district limits does not adversely impact the character of the district. Whenever possible, it is preferable to include both sides of the street. Some of the ways boundaries can be determined are as follows:

Historical documentation—early maps and records can provide evidence of the limits of early



photo courtesy: Elizabeth Dufre Hengen

Keene's downtown historic district includes a common, city hall, business blocks, churches, industrial and railroad buildings, as well as residences, from all eras and of many architectural styles.

also prepare fact sheets describing the commission's powers and duties and contact information for citizens behind the initiative and make them available at the town hall, library and other frequently visited spots around town.

DEFINING THE DISTRICT

Most districts are based on the findings of a historical resources survey and/or recommendations expressed in the community's master plan. If an in-depth survey has not been completed for the district, now is the time to undertake it. The survey should include all buildings, regardless of age. Since a district's character is derived from more than just buildings and structures, the survey should include significant landscape features, open spaces and fields, vistas, viewsheds, stonewalls and fences, granite posts, sidewalk materials, monuments and

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.

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

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.

adopt regulations after the ordinance has been passed, it is helpful to have both drafted contemporaneously, so that citizens have a better understanding before it is voted upon of what the district is about, what its controls are and how applications for making changes within the district will be considered. These initial regulations can be basic and supplemented later with more detailed regulations adopted by the commission following a properly noticed public hearing held within the district. Absence of regulations when the ordinance is presented to the community can undermine support for the ordinance.

DRAFTING RULES OF PROCEDURE

Rules of procedure are the set of rules under which the commission internally conducts its business. They describe commission membership and officers, outline the hearing, meeting and appeals processes, describe how applications are made and notice is given, state what triggers a hearing, and outline the fee structure. The rules should have at least three basic tenets: (1) fairness to applicants, abutters and the community at large; (2) an orderly, efficient and legally defensible hearing and meeting process; and (3) compliance with other state statutes, particularly RSA 91-A, the “right-to-know law.” For consistency, the commission should review the rules of procedure already adopted by the planning and zoning boards and use them as a model.

The Amherst Historic District Commission’s rules of procedures are available online: www.amherstnh.gov/hdc/rules.html

DEVELOPING DESIGN GUIDELINES

Design guidelines is the fourth document a commission relies upon to carry out its work. While the ordinance and regulations provide the standards by which the district commission evaluates an application—and can approve or deny it—they can be lacking in specificity. Guidelines interpret the standards. They guide the applicant in approaching his project and the commission in making its decision. Guidelines are not law, but advisory, explanatory, more informal recommendations that identify the character of the district and its buildings, noting typical design elements and features that should be reinforced in the district, and what type of treatment would be appropriate. Developing guidelines can be a time-consuming process, so it is seldom practical to have them ready prior to the adoption of the ordinance. They are adopted and amended in the same manner as regulations and rules of procedure.

Writing design guidelines is best done by a single individual, generally a professional, in close concert with the commission or steering committee. After analyzing the character of the district and defining the preservation goals, guidelines for similar districts can be reviewed. While guidelines need to be tailored for a specific district and community,

There are many basic elements from other publications that will overlap and be applicable. The final document will begin with an overview history of how the district evolved, a description of its historic and design character, architectural styles and building types found within the district. The guidelines will follow, addressing repairing or altering specific architectural features (such as cornices, storefronts, windows, and porches), new construction and additions, signs, demolition, moving structures, streetscapes, site work, and landscaping. (The ordinance will determine what is included.) A glossary of terms and references for further information typically conclude the publication.

Before the guidelines are put into final form, it is wise to test them out on several applications to allow fine-tuning, if necessary. It is also useful to have a lay-person who does not live in the district review them.

While many district commissions rely on the Secretary of the Interior’s Standards for the Treatment of Historic Properties, issued by the National Park Service and which include standards for preservation, restoration, rehabilitation and reconstruction, these do not provide sufficient guidance to review applications within an historic district. The standards are broad, philosophical principles. The *Illustrated Guidelines for Rehabilitating Historic Buildings*, also published by the Park Service, provide general design and technical approaches, showing recommended and not recommended treatments for interior and exterior work on historic buildings. The Guidelines are on-line at www.cr.nps.gov/hps/tps/tax/rhb. These guidelines are valuable for local commissions and often used as a base for developing guidelines that are community-specific.

The National Park Service web site has a wealth of information on historic districts and historic rehabilitation: <http://www.cr.nps.gov/buildings.htm>.

Case studies of common rehabilitation issues are discussed at www.cr.nps.gov/hps/rehabyes-no, and an electronic web class on understanding and applying the Standards is found at www.cr.nps.gov/hps/e-rehab.

The best guidelines are written in a user-friendly manner with a minimum of technical terms and plenty of illustrations.

New Hampshire municipalities with published historic district design guidelines include Jaffrey, Amherst, and Hollis.

ADMINISTERING A HISTORIC DISTRICT

POWERS AND DUTIES OF A HISTORIC DISTRICT COMMISSION

RSA 46-a

The power and duties of a historic district commission are outlined in state statute; neither the municipality nor the commission can extend its powers beyond those as outlined in law. In general terms, the commission has the following powers and duties:

- Adopt Rules of Procedure
- Establish, adopt and amend Historic District Regulations
- Review and approve, conditionally approve, or disapprove applications for Certificates of Appropriateness within the historic district
- Request reports and recommendations from other municipal boards and officials for assistance in reviewing such applications
- Seek outside advice, including from expert consultants, for assistance in reviewing applications
- Act in an advisory role to other arms of city government on matters pertaining to identifying and protecting historical resources within the historic district
- Keep accurate and complete records and minutes
- Accept and use gifts, grants or contributions for its activities

If the historic district commission is also serving as a heritage commission, it may assume additional powers and duties, which are spelled out in the chapter on heritage commissions.

COMMISSION MEETINGS

Every meeting of the commission is a public meeting and must be posted in two public locations at least twenty-four hours prior to the meeting. The commission should hold regular (usually monthly) meetings, regardless of whether there are applications to consider. A regular meeting time allows citizens to ask procedural questions and gives the commission time to review and update the district's operating materials, develop outreach programs, and stay abreast of new developments in building technology. If there is no business to discuss, the chairman can quickly adjourn the meeting.

Every meeting should start with a role call of the commission members, followed by appointments of alternates to regular slots, if necessary. The second order of business should be to review the

agenda and make any needed additions or change in its order. If any commission member has a conflict of interest with any of the agenda items, he should reveal that conflict and, if necessary, step down during discussion and decisions on the matter when it is taken up. (In such an instance, the chairman needs to appoint an alternate to assume his place while that matter is under discussion and/or vote.) Once set, the agenda should be followed, and only those applications that are on the agenda should be considered and voted upon. If there are timely non-regulatory items that did not make it on the agenda, such as a preliminary consultation or informational items, they can be added to the agenda at the beginning of the meeting, but final decisions on any applications should wait until the project can be properly noticed and discussed at the appropriate meeting.

The activities of the district commission will periodically overlap those of the local heritage commission (should one exist). Holding a joint meeting at least once per year will coordinate preservation activities that overlap within the boundaries of the historic district.

STAFFING & FUNDING

Like members of other land use boards, district commission members are volunteers and will often need professional advice and administration help. Wherever possible, the municipality should assign a staff person as a liaison to the commission. In smaller communities, the commission should have an appropriation to enable it to cover some secretarial and consultant assistance.

APPLICATION PROCESS

The application process is governed by the regulations and rules of procedure adopted by the historic district commission (and discussed in more detail in the preceding pages). Since the commission exercises a degree of control over the property rights of owners within the district, it is imperative that this authority be exercised fairly—with “due process”—and equitably—with “equal protection”—the basic tenets of the two constitutional protections given property owners under the law. “Due process” requires that a property owner be afforded certain procedural safeguards, the essential elements of which are notice and an opportunity to be heard. “Equal protection” requires that property owners in a similar position be treated similarly. The Rules of Procedure serve as the “fairness guide.” If a

As established in Hanrahan v. Portsmouth (1979), the commission is responsible for gathering the necessary information to enable it to make a decision.

Courts have repeatedly upheld actions taken by district commissions. In New Hampshire, there has never been a successful challenge to the ruling of an historic district commission when it was based on the criteria and standards expressed in the ordinance. It is when a commission does not follow its regulations or rules of procedure that courts most often overturn commission decisions.

commission fails to follow them, it exposes itself to the possibility of having its actions legally invalidated.

Application form

The application for a Certificate of Appropriateness is the written record of the proposed work. While the applicant will usually provide additional verbal information at the public hearing, the application itself should provide sufficient detail for commission members to understand the nature of the project work and its impact on the property in question. If specific material is not requested directly on the application form (a checklist works well), it may be difficult to deem an application incomplete, thus forcing the commission to review it within a tighter time frame or with insufficient material. At a minimum, the application should include the following:

- date of submission (of complete application)
- name and contact information for the applicant
- name of the owner of the property
- location of the property, including tax map and lot #
- names and addresses of abutters, including tax map and lot #
- narrative description of the proposed work
- the reasons for undertaking the work
- photographs of the building, including details of the area to be affected
- drawings and sketches of proposed work
- for new construction or additions, photographs of the streetscape, showing the property within its setting, and a site plan

The application used by the Amherst Historic District Commission can be found at the end of its rules of procedure: www.amherstnh.gov/hdc/rules.html

While many applications will be triggered by a need for a building permit, some types of work that might require district commission approval will not go through the building inspector. For a district to function smoothly, it is essential that the building inspector and other local officials know when an applicant needs to file an application with the district commission.

If possible, post a downloadable application form on the municipal website. A completed sample application can provide helpful guidance for a first-time applicant.

Fees

Most communities establish a fee schedule to cover the costs of reviewing an application. Typical expenses include certified mailings to abutters and publishing the notice of the hearing. If the commission needs to engage a consultant to review a major proposal, it may require the applicant to bear that cost. Usually, the fee is tied to the cost of the work, so that property owners are not unduly charged for a minor alteration.



Reviewing an application

RSA 676:9

Under state statute, the historic district commission has forty-five days in which to review and render a decision on an application. The clock begins to tick from the date the application was filed. If the applicant does not provide the required information as outlined in the application, the application can be deemed incomplete, and the clock stops. The commission should immediately notify the applicant in writing, with a full explanation and request for specific information.

Within the forty-five days, the commission must seek all of the information it needs, hold a hearing and make its decision. The review period may be extended if the applicant agrees to a longer period of time. If the commission does not file its decision within the specified time period, it constitutes approval of the project by the commission.

The commission does not need to take the full forty-five days to make a decision. In fact, when it is a relatively minor alteration, it is recommended to process the application as quickly as possible. In municipalities where there is professional staff

The historic district commission is a land use board. Like any land use board, it is comprised of volunteers who will, from time to time, need training, technical assistance and municipal support.

support, provisions can be made for these technical decisions to be handled administratively by professional staff.

If a project is complex, the commission should encourage the applicant to come for a pre-application consultation—just be sure to include the item on the agenda and post the meeting.

No discussion of an application, unless it deals solely with procedure, should take place outside a posted meeting. Even with the best of intentions, a commission member should never offer informal advice to an applicant.

Holding the hearing

Every application needs to be considered at a public hearing of the district commission. The district's rules of procedure will specify how a hearing is noticed. Generally, notice of a hearing must be posted in two public places, published in a newspaper of general circulation, and mailed to all abutters.

The hearing is part of the commission meeting. Generally it starts with the commission chairman introducing the project. The applicant is then invited to make a presentation, followed by questions posed by commission members. Subsequently, the hearing opens up to abutters and members of the public, who address their comments and questions to the commission. Commission members may ask questions of public speakers. Following public testimony, the applicant is invited to make any final comments. When everyone who wants to be heard has spoken, the chairman closes the hearing. Once closed, no further input from the applicant or the public may be accepted. The meeting either continues with a hearing on a separate project, or the commission discusses the first project and calls for a vote or a motion to table it pending further information.

Rendering a decision

As the commission reviews the merits of an application, it must follow the review criteria spelled out in the ordinance and either repeated or

amplified in the regulations. If the district has survey forms or design guidelines, these materials will provide immense assistance in evaluating the project and the impact it will have on the property, the surrounding area and the overall district. They will help commissioners judge the level of significance of the property being affected, and whether the alterations will impact important features. Commissioners should refrain from using phrases such as “we like this” or “this is attractive” or “this looks nice” when discussing proposed work. Instead, tie comments back to the review criteria and, when available, survey forms and design guidelines. Keep in mind that the objective of the district is not to beautify the area or to ensure good taste, but to preserve its distinctive character and heritage as expressed in the architecture, landscape and setting.

Key questions that should be answered are:¹

1. Why is the property significant?
2. What are its key features and degree of integrity?
3. What is the nature and scope of the project? Is it adequately described?
4. How will the proposed work affect the property's significance, key features and integrity? Will one still be able to interpret the building and its context?
5. Will the proposed work serve the community's preservation goals?

¹ Adapted from “Review Questions for Historic Preservation Projects,” Nore V. Winter. In *The Alliance Review*, May/June 2003.

While it is true that there is a degree of subjectivity in making a decision, the challenge is to apply general rules to specific circumstances. Each situation will be different, but if the commission articulates the unique circumstances that led to its findings, the decision will be defensible.

When a motion is made to approve or deny an application, the criteria must be clearly cited in the motion. The motion should include detailed

Historic district commissions are approval bodies. Nationally, nearly all applications are approved upon their initial review. And most of the remainder are approved upon resubmission and a second review.

The objective of an historic district is not to beautify the area nor to ensure good taste, but to preserve its distinctive character and heritage as expressed in its architecture, landscape and setting. While the underlying situations for each project will always be different, if the commission articulates the unique circumstances that led to its findings, its decision will be defensible.

findings to grant or deny an application and cite specific regulations and/or guidelines in the motion. All decisions are made by majority vote of a quorum of voting members of the commission present. All such votes should be public.

It is critical that the commission create a comprehensive record of the facts upon which it bases its decision. Minutes of the hearing must be complete and informative. A tape recorder may be useful in documenting discussion and writing up the minutes. The tapes can be retained as a permanent part of the record or used merely to write minutes. The minutes should clearly spell out the basis on which the decision was made, specifically referencing the provisions of the review criteria and district regulations. Should the decision be challenged, the minutes will be a primary part of the written record reviewed by a court.

RSA 91-A:2 stipulates the minimum of what the minutes must contain:

- names of commission members
- names of people speaking before the commission
- brief description of the subject matter discussed
- final decisions

The minutes must be available for public inspection within six days of the hearing.

The commission's decision is reflected in issuing a signed Certificate of Appropriateness/Notice of Disapproval; these forms can be merged into a single document or be two separate forms. The applicant can also receive a conditional approval, which would become final without another public hearing if the specified conditions were met. Such conditions would usually be limited to technical changes that do not involve any discretionary judgment on the part of the commission.

The Certificate of Appropriateness/Notice of Disapproval should include a description of the proposed work, as well as reiterate the basis on which the decision was made. If it is necessary to deny a project, it can be denied "without prejudice," meaning the commission will reconsider an application if certain specified objections are addressed. Difficult as it can be to deny an application, if a commission follows these outlined procedures, the applicant will know he has been treated fairly. At the end of the hearing, the commission should thank the applicant and encourage him to return with modifications.

Joint hearings

RSA 676:2

If an applicant needs approval from another land use board (i.e., planning board or zoning board of adjustment), he may petition the historic district commission and the respective land use board to hold a joint public hearing. Similarly, the commission may request a joint public hearing with any other land use board. This improves communication and avoids repetitive hearings for the applicant and abutters.

The land use boards involved determine who shall chair the hearing, and the meeting is conducted following the rules of procedure of the board that chairs the meeting. Following the joint hearing, each board is responsible for rendering a decision on the project that falls within its own jurisdiction.

CODE OF CONDUCT

RSA 673:14

Each district commission member needs to comply with the code of conduct outlined by the local governing body or that specified in state statute, whichever is more stringent. No member shall sit in the hearing of any question which the commission is to decide in a judicial capacity, if that member has a direct, personal, or pecuniary interest in the outcome of the matter that would differ from that of other citizens. Furthermore, commission members should not participate in any aspect of grants or contracts made to or by the commission if a real or apparent conflict of interest exists.

If there is any uncertainty as to the application of these provisions, the commission shall, upon request of any member of the commission, vote on the question of whether that member should be disqualified. The request needs to be made prior to, or at the beginning of, the public hearing. Unless so provided by local ordinance or the commission's procedural rules, only a member of the commission can make such a request. However, an applicant or member of the public may raise the issue, for a decision by the commission.

TRAINING

No citizen should be expected to serve on a regulatory commission without access to background materials and training. Conversely, it is the responsibility of each commission member to be versed in the framework under which the commission operates: its ordinance, regulations, procedural rules, and design guidelines. When

The decision to approve or disapprove an application must cite the design criteria expressed in the regulations.

new commissioners are appointed, there should be an orientation session led by incumbent members, city staff or an outside professional.

Each commissioner should receive a handbook that contains the following:

- Ordinance
- Regulations
- Rules of Procedure
- Design guidelines
- List of commission members with contact information
- Minutes from the previous twelve months

There are a wide range of organizations, both within New Hampshire and beyond, that offer training and technical assistance on topics pertinent to historic district commissions. The New Hampshire Preservation Alliance has periodic workshops, often in conjunction with the New Hampshire Division of Historical Resources and/or the New Hampshire Office of Energy and Planning. The New Hampshire Local Government Center (formerly the New Hampshire Municipal Association) presents an annual municipal Law lecture series on current legal and regulatory topics. The National Alliance of Preservation Commissions sponsors a training camp. Each of these organizations publishes a newsletter, that could be distributed among commission members, and has useful web sites. See the chapter on Helpful Organizations & Agencies for contact information.

PUBLIC OUTREACH

One of the most important responsibilities any historic district commission has is promoting awareness of the purpose and benefits of the district, as well as clearly outlining the application process. While the commission needs the support of other municipal groups to successfully administer a district, it typically needs to take the lead and set the tone. First and foremost, a commission needs to be seen as working with and engaging constituents, rather than policing them. While this may seem at odds with a regulatory board, it can be accomplished by demystifying the application process, providing readily accessible and easily comprehended information, clarifying the expectations of the commission, and emphasizing that the commission is more than willing to point people in the right direction.

Web site

One of the most effective and efficient means to reach the public is through a web site. If the

municipality has a home page, there should be a link to the historic district commission. If there is no home page, the commission might establish its own web site.

At a minimum, the web site should explain the purpose and benefits of the district; paraphrasing the pertinent sections of the ordinance would be appropriate. The regulatory aspect of the district needs to be explained, but within the context of the purpose and emphasizing that the process is collaborative, rather than combative. The commission's regulations, rules of procedure, and design guidelines, as well as an application form that can be downloaded, should be on the web site.

In addition to providing procedural information, the site can showcase successful projects, using before and after images, coupled with a brief description. It could also provide links to other resources that might be helpful to applicants, such as painting historic buildings, the pros and cons of vinyl siding, cleaning and repointing masonry, repairing wooden windows and so forth. (See the chapter on Old Building Information for ideas.) If the district is certified, thus making projects eligible for the 20% tax credit, that program could be explained, as well as the flexibility that the building code, state energy code and ADA regulations provide to historic buildings.

The Exeter Historic District Commission has an informative web site: www.exeternh.org/hdc/index.html.

Outside of New Hampshire, Burlington, Vermont (www.ci.burlington.vt.us/planning/histpres/historicpreservation.html), Wichita, Kansas (www.wichita.gov/CityOffices/Planning/Preservation) and Cambridge, Massachusetts (www.cambridgema.gov/~Historic) have comprehensive sites.

Applicant materials

The commission can help demystify the application process by providing each applicant with a package of materials that will lead him through the process. At a minimum, applicants should receive the following:

- Fact sheet on the purpose of the district and what the application process is
- Map clearly showing district boundaries
- Application form
- Regulations
- Design guidelines
- Where to go for more information (web sites, etc.)

Keeping local governmental officials informed
All too often, district commissions proceed from

The most effective historic district commissions are viewed as working with and engaging their constituents, rather than policing them.

year to year with minimal contact with other city boards and officials. Since this can lead to misunderstanding about the purpose and role of the commission, the commission should make an annual presentation to the city council. It should also file an annual report.

Keeping citizens informed

Generally, the only time citizens hear about the district is when a reporter picks up on a controversial project. While this often cannot be avoided, the commission could be proactive and alert the paper of success stories. Small town newspapers are often looking to fill space; supply it with regular articles, together with a catchy slogan that is used regularly by the commission in the press and at meetings.

When a property within the district changes hands, or even beforehand, it is important that the new/prospective owner be fully informed about the district. Local realtors need to understand the economic benefits of districts (studies regularly demonstrate that property values in historic districts are more favorable than those elsewhere), and that the process for receiving approval need not be onerous and can provide helpful information. The city assessor's office could be helpful with informing the commission of new owners, so that a packet of information on the district can be personally delivered to them, along with a warm welcome. And a copy of the ordinance and regulations should be on file at the county Registry of Deeds.

Other ways to keep citizens informed include creating a resource shelf at the local library; conferring preservation awards to highlight good projects; hosting an annual public symposium, doing an annual mailing to all property owners within the district with a tax or water bill; and doing periodic mailings to realtors.

ENFORCEMENT

Enforcing a commission's decision is always a last resort, but sooner or later an enforcement situation will arise. The best defenses are close adherence to the regulations and rules of procedure and a strong public outreach program. If the public understands the district's rules and the reasons behind them, and it if feels they are in their best interest, it is less likely to undermine them.

When an applicant receives an application, it should also receive a copy of the regulations, rules of procedure, and design guidelines. That way,



photo courtesy: Robert Stephenson

Advocacy, education and building relationships are the best enforcement strategies.

everyone knows how business will be conducted, when an application must be filed, what must be included, and the provisions for an appeal.

The code enforcement official should understand that the district has regulations that may not apply to the community generally. He should be familiar with the boundaries of the district, and aware of any special building code provisions affecting historic/existing buildings. The municipal zoning ordinance should include the historic district in its enforcement section. If it is not included, consult with the town planner or directly with the planning board.

When the commission becomes aware of a violation, it should answer the following questions to determine how to proceed:

- Was a building permit required/issued? (If so, the problem lies with the code enforcement/building official.)
- Was there an application before the zoning board of adjustment or the planning board?
- Was a permit granted? By what authority? Was it granted with conditions? Were the conditions complied with?

The commission should immediately notify the property owner, explain the violation observed, and offer suggestions to correct the problem. If the owner ignores the notice, or the violation is not corrected within a specified time frame, the code inspector should issue a detailed Notice of Violation, and if necessary, consult town counsel.

Build strong relationships with property owners and municipal inspectors.

Courts uphold design review. When historic district commissions go to court, 85% of the ordinances and decisions survive the challenge.

APPEALS

RSA 2-14, 17, 18

The commission's rules of procedure should state that the basis for an appeal is triggered by a decision that is contrary to the provisions of the district's ordinance and adopted regulations. (This is standard procedure for other appeals to the zoning board of adjustment, although the statute on historic district appeals does not specifically so state.)

If a municipality has zoning, an appeal from a decision of the historic district commission is taken to the zoning board of adjustment. The standard for relief may be that the commission made an error in its decision or that a variance should be granted.

The commission needs to be prepared to support its decision before the zoning board. It should demonstrate in writing how its decision reflected the requirements of its regulations, or how the application was contrary to guidelines which could reasonably be complied with to accomplish the purposes of the applicant while conforming to the purposes of the district.

The commission's chairman or another member should appear at the appeal hearing and represent the commission's position. He should expect to educate the zoning board on the purposes and regulations of the district as well as the reasons behind the commission's decision.

If the applicant requests a variance, he must demonstrate that the project will meet all five of the following statutory conditions:

1. there will be no diminution in value of surrounding properties;
2. the proposed use will be in the public interest;
3. there are special conditions, inherent in the property, that make literal enforcement of the ordinance an unnecessary hardship to the owner;
4. granting the variance will not be contrary to the spirit and intent of the ordinance; and
5. by granting the variance, substantial justice will be done.

If the zoning board upholds the commission's decision, the applicant may appeal for a rehearing. If the rehearing is granted, the commission will repeat the above steps, again thoroughly documenting its position and supporting it in writing.

If the board reverses the commission's decision, the

commission should apply for a rehearing, stating in the application as precisely as possible why the board's position is in error and contrary to the ordinance and regulations of the district.

This written record will become the basis for a court review. Courts generally do not take further testimony in land use cases, but base their decisions on the official record of proceedings before the land use boards. (It is not unusual for courts to visit the scene, in order to better understand the context of the case.) The written record will also include copies of the ordinance, regulations, rules of procedure, design guidelines, and all documents considered by the commission and the zoning board, as well as minutes of meetings where the application was considered.

If a municipality lacks zoning, but has a building code, an appeal is taken to the building code board of appeals. If there is neither zoning nor a building code, the appeal would go directly to Superior Court.

FOR MORE INFORMATION:

"Working on the Past in Local Historic Districts." This National Park Service web site covers the strengths of local districts, the components of a preservation ordinance, developing design guidelines, best treatments for historic properties, and answers common questions about local districts:

www.cr.nps.gov/hps/workingonthepast

For the *Illustrated Secretary of the Interior Standards for Rehabilitating Historic Buildings*:

www.cr.nps.gov/hps/tps/tax/rhb. For assistance in applying the Secretary's Standards: www.cr.nps.gov/hps/tps/tax/rhb

Cassity, Pratt, *Maintaining Community Character: How to Establish a Local Historic District*. National Trust for Historic Preservation, 1992, revised 2001.

Cox, Rachel S., "Design Review of Historic Districts." Preservation Information Booklet. National Trust for Historic Preservation, 1997.

"Design Guidelines." *The Alliance Review*, May/June 2003. Bi-monthly newsletter of National Alliance of Preservation Commissions. (The Alliance's newsletters regularly have articles on issues relating to all aspects of historic district administration.)

Weeks, Kay D., "New Exterior Additions to Historic Buildings." National Park Service Preservation Brief No. 14, 1986. www.cr.nps.gov/hps/tps/briefs/brief14.htm

Beasley, Ellen, *Reviewing New Construction Projects in Historic Areas*. National Trust for Historic Preservation, 1986, rev. 1992.

"A Self-Assessment Guide for Local Preservation Commissions," National Trust for Historic Preservation, 2005.

INTERVIEW QUESTIONS FOR POTENTIAL HISTORIC DISTRICT COMMISSION MEMBERS

developed by the Amherst Historic District Commission

Please ask the following questions of each applicant who seeks appointment to the historic district commission. The same questions apply to the selection of *ex officio* candidates from the Board of Selectmen and Planning Board. In addition, when appointing the *ex officio* member, please be aware that RSA § 673:5 I (a) states, “the term of any *ex officio* member serving on a local land use board shall coincide with the term for that other office.”

Q1: Are you a resident? *Purpose:* RSA § 673:4 II states that “each historic district commission member shall be a resident of the city or town which establishes the district.” Note: There is no requirement that a member reside in the historic district *per se*.

Q2: Why do you want to join the HDC? *Purpose:* RSA § 673:4 II states that HDC members shall have a “demonstrated interest” in joining the commission.

Q3: What is your understanding of the HDC’s mission, and would you be able to attend at least one day of training per year to further your knowledge of historic preservation? *Purpose:* RSA § 673:4 II states that HDC members shall have the “ability to understand...the purposes of the historic district commission.” In addition, it is a requirement of the Certified Local Government (CLG) program that each member “attend at least one approved informational or educational meeting per year pertaining to the work and functions of certified local governments, historic district commissions, or to other historic preservation topics.”

Q4: Do you agree with the historic district zoning ordinance and regulations? *Purpose:* RSA § 673:4 II states that HDC members shall “appreciate and promote...the purposes of the historic district commission.” Note: It would be contrary to the statutes to appoint a member who does not support the stated purposes in the ordinance or who would work at odds with the

purposes of the historic district commission under the notion of achieving “diversity of opinion.”

Q5: Do you have any personal, professional or business interests that would result in recurring conflicts of interests with your duty to the historic district commission? *Purpose:* The National Park Service and the National Trust for Historic Preservation recommend that, “if any individual commission member finds that his or her personal, professional, or business interests result in recurring conflicts of interest, it may be advisable for that member to step down from the commission, rather than risk impairment of the commission’s functions.” (See *Procedural Due Process in Plain English: A Guide for Preservation Commissions*, p. 29.) Note: If the Board of Selectmen feels that it absolutely must appoint a person who would have recurring conflicts of interest, it should consider appointing that person as an alternate, rather than regular, member so that consistency of voting is not continually impaired by repeated recusals.

Q6: Would you be able to attend most meetings? *Purpose:* Section II, 2.07 of the HDC’s Rules of Procedure states, “...the Chairperson may request the resignation of any member who fails to attend four consecutive meetings without just reason.” Note: If a candidate feels that other commitments may affect his or her ability to achieve regular attendance, the Selectmen should consider appointing that person as an alternate, rather than regular, member so that consistency of voting is not continually impaired by repeated absences.

Q7: Are you willing and able to cast the deciding “no” vote on an application that does not meet the requirements of the HDC? *Purpose:* Like other land use boards, the HDC often has to make hard decisions. The Selectmen should take care not to appoint members who have more concern for disappointing an individual applicant than they have with their greater duty to protecting the historic district for the benefit of the Amherst community as a whole.

Old Building Information

UNDERSTANDING AN OLD BUILDING

RESEARCH

There are many reasons one may wish to research the history of a building and no one method that will serve every building or every purpose. The most successful research combines the written and photographic record with physical evidence. Researching the history and evolution of a building is akin to a jigsaw puzzle: each piece will yield data, but it often is not until the puzzle is largely completed that the pieces merge into a unified image or story. Such research is also organic: there will always be more to learn, new records to surface, and conclusions to revise. Keeping accurate notes on the sources used will greatly assist future researchers.

Any building research in New Hampshire should start at the New Hampshire Division of Historical Resources, which maintains survey files for each municipality. Thousands of the state's historic buildings have been inventoried, and hundreds are listed on the National Register, either individually or as part of a district.

If the building is not listed on the Register and has not been inventoried, try the following basic steps, which are applicable to research in all New Hampshire municipalities:

1. Locate the building on historic maps. The entire state was mapped in the early 19th century, again in the 1850s and early 1860s on county wall maps, and a third time in 1892 in a statewide atlas. The earliest maps show roads and key buildings, while the wall maps and atlas depict every building, including the name of the owner. Many municipalities have other maps, including bird's eye views, that show standing buildings. Sanborn fire insurance maps cover the state's industrial districts, larger downtowns and many of the urban neighborhoods. If the maps are not available in the local library and county registry of deeds, they can be viewed at the New Hampshire Historical Society, State Library or State Archives, all in Concord. Many of the maps are available on-line, through the University of New Hampshire:
www.izaak.unh.edu/specoll/maps.htm.

2. If the map gives the name of the owner, look the owner up in the appropriate town or city directory, which were published at various times for most municipalities. The directory will often give the owner's address and occupation. Go backwards to see when the owner is first listed in the directory at that address. Later urban directories are indexed not only by surname, but by street address.
3. Go to the county registry of deeds and look up the earliest owner available in the grantee index to determine when he purchased the property (and if a building was standing then). Then look him up in the city directory for that year to determine his occupation.

With this basic information, the following can also be checked, in no particular order:

- Look the owner(s) up in town and county histories, which are often indexed. Many local histories have genealogies.
- Look up the obituary for the person. (Death dates are sometimes provided in the city directory of that year. They can also be obtained at the state's Vital Records at Health and Human Services, Hazen Drive.)
- Check United States census records, which start in 1790 and become increasingly detailed. The separate agricultural schedules (published 1850, 1860, 1870 and 1880) provide extremely detailed data on every farm, and industrial schedules for the same years on mills. Census records are on microfilm at the State Library and research libraries.
- Check the family genealogies at the New Hampshire Historical Society and State Libraries.
- Check the probate records at the county Registry of Probate.
- Check the notable file at the New Hampshire Historical Society, an index to entries about people in published histories (most useful for more prominent people)
- Check historic photograph files at the local library and at the New Hampshire Historical Society.
- Go through scrapbooks of early news clippings that many libraries and historical societies maintain.

- Check the plan files at the county Registry of Deeds, which are usually indexed by the name of the property owner or developer filing the plan, but sometimes by the engineer. (Plans are most likely to yield information if the building is on land that was once subdivided, but oftentimes land was surveyed for other purposes.)
- And for 20th century history, do not neglect to interview long-time neighbors or former owners

STATEWIDE RESEARCH COLLECTIONS:

New Hampshire Historical Society, 30 Park Street, Concord 03301, 603-228-6688

New Hampshire State Library, 20 Park Street, Concord 03301, 603-271-2144

New Hampshire Division of Records Management and Archives, 71 South Fruit Street, Concord, 03301, 603-271-2236

Milne Special Collections and Archives, University of New Hampshire Library, 18 Library Way, Durham, NH 03824-3592

FOR MORE INFORMATION:

O'Donnell, Eleanor, *Researching a Historic Property*. National Register Bulletin. National Park Service, 1991, revised 1998

"Researching a Historic Home," National Trust for Historic Preservation web site:
www.nationaltrust.org/help/researching.html

Light, Sally, *House Histories: A Guide to Tracing the Genealogy of Your Home*. Spencertown, NY: Golden Hill Press, Inc., 1997. (Available from Historic New England.)

PHYSICAL INVESTIGATION

Understanding an old building requires a mix of research and physical investigation. All buildings evolve over time, and the technological elements that are exhibited in a structure—frame type, saw marks, siding, nails, latches and hinges, lath, plaster— as well as the stylistic details manifested in doors, entrances, molding and window muntin



photo courtesy: Linda Pate

profiles, exterior trim elements, wall paneling and so forth, provide clues to original construction and later alterations as additional space was needed or owners bowed to the latest fashion. Sometimes major alterations parallel historical data, such as changes in home ownership, shifts in family size or improved economic means. Mapping out the physical traits of a building requires time, patience and familiarity with building technology and architectural styles, but is well within the reach of any interested person.

FOR MORE INFORMATION:

Garvin, James L., *A Building History of Northern New England*. Hanover, NH: University Press of New England, 2001.

Hubka, Thomas C., *Big House, Little House, Back House, Barn. The Connected Farm Buildings of New England*. Hanover, NH: University Press of New England, 1984.

McAlester, Virginia and Lee, *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1988.

Tolles, Bryant F., Jr., *New Hampshire Architecture, An Illustrated Guide*. Hanover, NH: University Press of New England, 1979.

Visser, Thomas Durant, *Field Guide to New England Barns and Farm Buildings*. Hanover, NH: University Press of New England, 1997.

SOURCES FOR REHABILITATION AND RESTORATION INFORMATION

CONTRACTORS AND CONSULTANTS

One of the continuing challenges in working with older buildings and developing preservation projects is finding skilled help. There are professionals who specialize in preservation projects, as well as products and services; turning to such help can facilitate the planning and execution of most projects. When selecting a consultant or tradesperson, inquire about the firm's particular experience with similar projects, and whether it is a full-service or specialty firm. Questions about the firm's approach to the project should reveal its preservation philosophy. Reference checks will indicate whether prior clients were satisfied with the outcome, and whether they would turn to the same firm again. The following sources can guide your selection of professional assistance:

Old House & Barn Resource Directory

The New Hampshire Preservation Alliance published this directory in 2004 to respond to the numerous calls for expertise on all aspects of old building and preservation projects. The directory lists preservation consultants, architects, contractors, carpenters, masons, building movers, roofers, realtors, timber framers and more. It also lists products and publications.

www.nhpreservation.org/html/news_34.htm

Consultant Lists

The New Hampshire Division of Historical Resources maintains lists of architectural historians and archeologists who consult with municipalities and agencies on projects involving historic preservation review and compliance. Many of those listed also work in other areas of preservation planning and archeology.

www.nh.gov/nhdhr/section106.html

The Land and Community Heritage Investment Program also maintains a list of consultants in architectural history/historic preservation, historic landscape preservation, and other types of related services. www.lchip.org/Reference/HRConsultantListings.htm

The New Hampshire Chapter of the American Institute of Architects publishes an annual directory of building industry consultants and resources, some of whom specialize in preservation projects. www.aianh.org/guide.php

PERIODICALS AND WEB SITES

Links to the Past: Learning Service

A National Park Service web site that provides a wealth of information on all aspects of historic building rehabilitation and maintenance, administering historic districts, archeology

www.cr.nps.gov/toolsfor.htm

Learn How to Identify the Visual Character of an Historic Building.

Also designed by the Park Service, this interactive web site helps one identify a building's visually distinctive materials, features, and spaces to ensure that its historic character is maintained when alterations are undertaken. Designed for historic district commissions, property owners, architects and developers. www.cr.nps.gov/hps/tps/walkthrough/index.htm

The National Park Service publishes a wealth of publications on rehabilitating, maintaining and restoring buildings. For a complete list:

www.cr.nps.gov/hps/tps/core/index.htm

For the Illustrated Secretary of the Interior Standards for Rehabilitating Historic Buildings:

www.cr.nps.gov/hps/tps/tax/rhb. For assistance in applying the Secretary's Standards:

www.cr.nps.gov/hps/tps/tax/rhb

Preservation Briefs

The National Park Service has published over forty preservation briefs covering a wide range of restoration and rehabilitation issues, such as synthetic siding, conserving energy, repairing wooden windows, preserving barns, exterior painting, plaster repair, making buildings accessible and much more.

www.cr.nps.gov/hps/tps/briefs/presbhom.htm

Old House Journal

The *Old House Journal* and website provides advice and information on techniques and products covering practically every aspect of old house restoration. The website has a restoration directory that links viewers to products and services throughout the country.

www.oldhousejournal.com/index.shtml

Traditional Building Magazine

Traditional Building is "the professional's source for historical products," offering products and services for non-residential preservation and restoration projects. Its website contains a large database of companies, indexed by product category. You can also order product literature via e-mail.

www.traditional-building.com

Period Homes Magazine

Period Homes Magazine is the residential counterpart to *Traditional Building* and published quarterly by the same company. www.period-homes.com

Preservation Magazine

Preservation is the magazine of the National Trust for Historic Preservation.

Illustrated with full-color photography and artwork, *Preservation* offers lively writing on controversies, trends, accomplishments, and events of importance to cities, towns, suburbs, and rural communities. This magazine is a great resource to see what others have done to and for their old buildings and communities.

www.nationaltrust.org/magazine

USEFUL BOOKS AND ARTICLES

General

Fisher, Charles E. and Hugh C. Miller, ed., *Caring for Your Historic House*. New York: Harry N. Abrams, 1998. (Available from Heritage Preservation, 1012 14th Street, NW, Washington, DC 20005; 202-233-0800)

Kitchen, Judith L., *Caring for Your Old House: A Guide for Owners and Residents*. National Trust for Historic Preservation "Respectful Rehabilitation" series, Preservation Press, John Wiley & Sons, New York, NY, 1991.

Window Repair

"Before You Replace Your Windows, Consider the Following." Cambridge Historical Commission, 2002. www.cambridgema.gov/~Historic/windowguide.html

Myers, John H., "The Repair of Historic Wooden Windows." National Park Service, Preservation Brief No. 9, 1981.

Paint Colors and Application

Maycock, Susan E. and Sarah J. Zimmerman, *Painting Historical Exteriors: Colors, Applications and Regulation*. Cambridge Historical Commission, Cambridge, MA, 1998. (Available from New Hampshire Preservation Alliance.)



photo courtesy: Elizabeth Durfee Hengen

Vinyl Siding

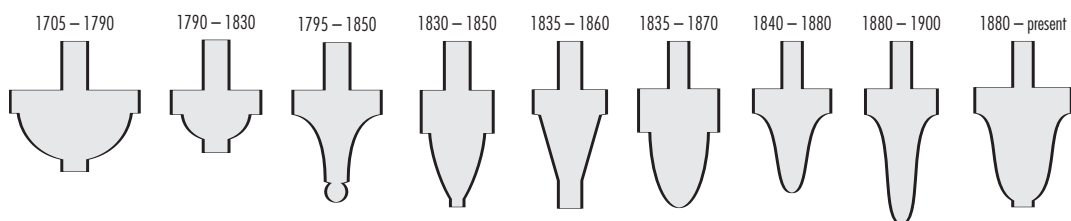
Cunningham, Jan, "Vinyl Siding, The Real Issues. A Preservation Guide for Historic Property Owners, Historic District Commissions and Historic Property Commissions." Prepared for Connecticut Trust of Historic Preservation, 2001. www.cttrust.org/index.cgi/1745

Barns

Porter, John C. and Francis E. Gilman, *Preserving Old Barns. Preventing the Loss of A Valuable Resource*. University of New Hampshire Cooperative Extension, 2001.

Goodman, Jennifer and Bill Kimball, *Protecting Older and Historic Barns through Barn Preservation Programs*. National Trust for Historic Preservation, 2004.

The evolution of window muntin profiles, from Building History of Northern New England (2001)



WORKING WITH CODES AND ADA REGULATIONS

Access, building, and safety codes generally include special provisions for historic properties, to take their particular circumstances and/or construction methods and materials into account. Sometimes, however, building officials are not aware of these specific considerations for historic properties. In New Hampshire, an historic property, for code purposes, is a property that is listed on the National Register of Historic Places (including contributing properties within National Register districts), has been determined eligible for the Register at either the state or federal level, has been certified as historic as part of the historic tax incentive program, is a contributing property within a locally designated historic district, or has been designated by a local board, commission or governing body.

BUILDING CODE

In 2002, New Hampshire adopted the International Building Code 2000 as the state building code, and an effort to adopt the International Existing Building Code is underway. The IBC allows flexibility for historic buildings. Chapter 34 of the IBC (2000) states: "Historic Buildings. The provisions of this code relating to the construction, repair, alteration, addition, restoration, and movement of structures, and changes of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard."

FIRE CODE

The State Fire Marshal's office is committed to helping historic buildings become fire-safe without destroying their character. The State Fire Marshal has adopted National Fire Protection Association 909, Standard for the Protection of Cultural Resources Including Museums, Libraries, Places of Worship, and Historic Properties, 2001 edition, as a rule within the State Fire Code: "All persons constructing, reconstructing, modifying, maintaining or operating any cultural property and all owners or occupants of cultural properties shall comply with the requirements of NFPA 909."

The State Fire Marshal has also adopted NFPA 914, Code for Fire Protection of Historic Structures, 2001 edition, as a rule within the State Fire Code: "All persons renovating, modifying, maintaining or operating any historic structure and all owners or occupants of historic structures shall comply with the requirements of NFPA 914." For NFPA online:

www.nfpa.org/catalog/home/OnlineAccess/914/914.asp

ENERGY CODE

The New Hampshire state energy code exempts historic buildings entirely from its requirements, by statute.

LEAD ABATEMENT

Under New Hampshire law (RSA 130-A), the only time a property owner is required to address lead exposure issues is when a child in a rental property or daycare facility has an elevated blood lead level. According to the Childhood Lead Poisoning Prevention Program, there is no health difference between lead abatement (total removal) and lead encapsulation or in-place management, provided that the work is done properly. Children are most at risk of lead poisoning when proper protective and dust-control measures are not followed in housekeeping or during renovations.

ACCESSIBILITY

The Americans with Disabilities Act (ADA) is a civil rights law, but also a historic preservation law. It explicitly includes particular and more flexible allowances for historic properties, so that accessibility modifications do not "threaten or destroy" architecturally and historically significant building elements. Businesses can take IRS tax credits for qualifying ADA-related work (see § 44 and § 190 of the IRS code).

FLOOD-PROOFING

The Federal Emergency Management Agency (FEMA) criteria for flood-prone areas, as well as New Hampshire's model ordinance for development in a floodplain, exempt work on historic properties from flood-proofing requirements, so long as the alteration will not preclude the building's continued designation as a "historic structure."

FOR MORE INFORMATION:

Jester, Thomas C. and Sharon C. Park, "Making Historic Properties Accessible." National Park Service Preservation Brief No. 32, 1993.
www.cr.nps.gov/hps/tps/briefs/brief32.htm

Park, Sharon and Douglas C. Hicks, "Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing." National Park Service Preservation Brief No. 37. www.cr.nps.gov/hps/tps/briefs/brief37.htm

Reducing Lead Hazards When Remodeling Your Home. Environmental Protection Agency, Office of Pollution Prevention and Toxics, 1997.
www.hud.gov/offices/lead/outreach/RRPAMPH.PDF

FUNDING SOURCES

The following sources of grants and loans are oriented toward citizen groups, organizations and municipalities seeking financial assistance for preservation planning, restoration, rehabilitation and adaptive reuse projects. Since programs and funding levels vary from year to year, be sure to check the web site or call for up-to-date information. Refer to the Foundation Center Library listing below for information on how to uncover additional sources as well.

New Hampshire Preservation Alliance

The New Hampshire Preservation Alliance has two matching grant programs. Preservation Services grants assist local organizations in developing a successful preservation project by providing funds for specialized assistance from a preservation professional. Barn Assessment Grants provide funds for a barn restoration expert to conduct an assessment of a barn's needs and prepare an in-depth report. The assessment can help address immediate stabilization issues, re-use strategies and budgeting.

For more information:

New Hampshire Preservation Alliance
603-224-2281
www.nhpreservation.org

Land and Community Heritage Investment Program

The Land and Community Heritage Investment Program (LCHIP), created by New Hampshire state legislation in 2000, is an independent authority that makes matching grants to municipalities and non-profits to conserve and preserve the state's most important natural, cultural and historic resources.

For more information:

Land and Community Heritage Investment Program
603-224-4113
www.lchip.org

Moose Plate Grants

New Hampshire's Conservation License Plate Program generates funds to preserve New Hampshire's resources, including historical resources. Revenues from the sale of the plate are distributed through five state agencies, including the NH Division of Historical Resources, to preserve and/or purchase significant, publicly-owned historic properties, works of art, artifacts, and archaeological sites; administer the Land and Community Heritage Investment Program; research and manage non-game wildlife species and native plant species and educate the public regarding these species; provide grants to counties, municipalities, and non-profits for resource conservation projects; and expand the roadside wild flower planting.

For more information:

New Hampshire Division of Historical Resources
603-271-3483
www.rh.gov/rtdhr/moose.html

Certified Local Government

The Certified Local Government (CLG) program is a national partnership between a municipal government and its State Historic Preservation Office, which in New Hampshire is the Division of Historical Resources. Its purpose is to encourage and expand local involvement in preservation-related activities. Certified municipalities are eligible to apply for federal matching grants through the Division for non-construction preservation activities, such as historical surveys, design guidelines, web sites, National Register nominations, commission training and so forth.

To be certified, a municipality must have a legally adopted historic district with adequate regulations and an overseeing preservation review commission (historic district commission or heritage commission with historic district responsibilities); a system for inventorying historical resources; a public participation component in its historic preservation program; and satisfactorily perform responsibilities delegated by the State Historic Preservation Officer. Furthermore, each member of the commission must attend at least one approved informational or educational meeting per year pertaining to historic preservation or the work of certified local governments or the commission.

For more information:

New Hampshire Division of Historical Resources
603-271-3483
www.nh.gov/nhdhr/cert_local_govt.html

New Hampshire Charitable Foundation

The New Hampshire Charitable Foundation and its seven regional divisions provide grants to non-profit organizations and have funded many preservation projects (although capital campaigns to acquire or renovate buildings are generally not eligible).

For more information:

New Hampshire Charitable Foundation
603-225-6641
www.nhcf.org

National Trust for Historic Preservation

The Northeast Regional Office of the National Trust for Historic Preservation has a Preservation Services Fund, which provides small grants for technical studies, historic structures reports, fundraising assistance, architectural/engineering plans, and other non-construction activities.

For more information:

National Trust for Historic Preservation, Northeast Regional Office, 617-523-0885
www.nationaltrust.org/about_the_trust/regional/northeast.html

The Trust's national office has two loan programs. The National Preservation Loan Fund can be used for a wide variety of preservation projects. The Inner-City Ventures Fund is more narrowly focused, providing loans to organizations that serve low and moderate income households or provide economic benefit in low and moderate income communities. Nonprofit organizations; local, state, or regional governments; and for-profit organizations are eligible to apply, with preference given to nonprofit and public sector organizations

For more information:

National Trust for Historic Preservation,
www.nationaltrust.org/loan/index.html?cat=2

Hart Family Fund for Small Towns

The Hart Family Fund for Small Towns assists small town preservation and revitalization initiatives around the country, with a focus on towns with populations of 5,000 or less. It was established by the National Trust for Historic Preservation in honor of William Hart, long-time preservation activist.

For more information:

National Trust for Historic Preservation, Northeast Regional Office, 617-523-0885
www.nationaltrust.org/about_the_trust/regional/northeast.html

Public Service of New Hampshire

Public Service of New Hampshire makes community development grants in the PSNH service territory on a rolling basis throughout the year for historic preservation and more.

For more information:

Public Service of New Hampshire, Community Development Mgr.
603-634-2442 www.prospemh.com (select "PSNH advantage").

continued, next page

*Funding Sources - continued***Community Development Block Grants**

Community Development Block Grants (CDBG) provide federal funds to communities for housing, economic development, and public facilities; the grants are targeted so that they primarily benefit low and moderate income people. Often, a CDBG project includes rehabilitating an historical resource. Feasibility Grants are available for project planning, including feasibility studies, surveys, and professional architectural and engineering services. Implementation Grants provide substantial funding for construction and rehabilitation work.

For more information:

New Hampshire Community Development Finance Authority, Community Development Block Grants
603-226-2170
www.nhcdfa.org

Community Development Investment Program

The Community Development Investment Program is a tax credit program that funds major community development projects. It has often been a major source of support for historic preservation projects with affordable housing and economic development goals. Funds cannot go directly to a for-profit business, but can be directed to a non-profit partner.

For more information:

New Hampshire Community Development Finance Authority
603-226-2170,
www.nhcdfa.org

Historic Preservation Tax Credits

One of the nation's most successful and cost-effective community revitalization programs, historic preservation tax incentives are available for income-producing buildings that are a National Historic Landmark, listed in the National Register, or a contributing building within a National Register or certain local historic districts. For each building that is rehabilitated following preservation standards set by the Secretary of the Interior, the owner receives a 20% federal tax credit. Historic tax credits can be combined with low-income housing credits. Prior to embarking on a certified rehabilitation, contact the NH Division of Historical Resources.

For more information:

New Hampshire Division of Historical Resources
603-271-3483

National Trust web site:

www.nationaltrust.org/community_revitalization/taxcreditguide/index.html

Non-Historic Preservation Tax Credits

A 10% tax credit is available for rehabilitating a non-residential building that was built prior to 1936 and is neither listed on the National Register, nor is a contributing building within a National Register or certain local historic districts.

For more information:

New Hampshire Division of Historical Resources
603-271-3483

National Trust web site:

www.nationaltrust.org/community_revitalization/taxcreditguide/index.html

New Hampshire Coastal Program

The New Hampshire Coastal Program, funded by the US Department of Commerce, provides grants to the Rockingham and Strafford Regional Planning Commissions for professional planning services to update a master plan, or draft or revise local development ordinances and regulations. It also offers grants for projects associated with coastal resource planning and management, coastal outreach and education, and construction and/or acquisition projects. The seventeen cities and towns bordering the Atlantic Ocean are eligible to apply, as are the two regional planning commissions, state agencies, and non-profit organizations.

For more information:

Coastal Program Office, 603-431-9366,
or Office of Energy and Planning
603-271-2155
www.des.state.nh.us/Coastal/Grants

Transportation Enhancement Program

The Transportation Enhancement Program (TE) funds projects that preserve the historic culture of the transportation system and/or enhance the operation of the system for its users. Program funds come from the Surface Transportation Program, of which 10% must be directed toward such projects, for the expressed intent to develop "livable communities."

A number of the program's eligible activities are directly related to historic preservation and preserving community character: acquiring scenic easements and scenic or historic sites; rehabilitating and

operating historic transportation buildings, structures or facilities (including historic railroad facilities and canals); historic preservation; establishing transportation museums; developing scenic or historic highway programs (including tourist and welcome center facilities, sometimes located in historic structures); landscaping and other scenic beautification; preserving abandoned railway corridors (including converting them into bicycle paths and pedestrian facilities); controlling and removing outdoor advertising; archaeological programs for scenic or historic highways; and archaeological planning and research.

For more information:

New Hampshire Department of Transportation
603-271-2107
www.nh.gov/dot/municipalhighways/tehome.htm

or contact your Regional Planning Commission (listed under Helpful Organizations and Agencies)

Scenic and Cultural Byway Grants

The Federal Highway Administration periodically offers grants for both federal and state-designated scenic byways. Previous projects have included clearing roadside fields for views, interpretive signs and brochures, and interpretive centers located in historic buildings or structures.

For more information:

Office of Energy and Planning
603-271-2155 www.nh.gov/oep

Winthrop L. Carter Fund

The Winthrop L. Carter Fund for Historic Preservation supports preserving and restoring historic structures and artifacts in the Greater Portsmouth Community Foundation region.

For more information:

Greater Portsmouth Community Foundation
603-430-9182

Kresge Foundation

The Kresge Foundation makes large capital grants for acquiring real estate and construction work, both for new buildings and for preservation or rehabilitation projects.

For more information:

Program Office, Kresge Foundation, 3215 Big Beaver Road, PO Box 3151, Troy MI 48007-3151
313-643-9630;
www.kresge.org

Save America's Treasures

Save America's Treasures is a joint program of the National Park Service and the National Trust for Historic Preservation to preserve nationally significant historic structures and sites, as well as intellectual and cultural artifacts.

For more information:

Save America's Treasures, National Trust for Historic Preservation, 202-588-6202 or 877-TREASURES [877-873-2787]; www.saveamericastreasures.org.

Preserve America

Preserve America is a White House initiative that encourages and supports community efforts to preserve and enjoy their priceless cultural and natural heritage. Communities that are selected as Preserve America communities are eligible for grants for planning, development, implementation, or enhancement of innovative activities and programs in heritage tourism, adaptive re-use, and "living history" educational programs that may be usefully replicated across the country.

For more information:

www.preserveamerica.gov/overview.html

The 1772 Foundation

This relatively new initiative focuses on historic preservation, especially buildings related to farming, industrial development, transportation and unusual historical structures. Grants of \$15,000-\$50,000 are made to nonprofit organizations throughout the United States. Letters of inquiry e-mailed to inquiries@1772foundation.org are considered throughout the year.

For more information:

www.1772foundation.org

Foundation Center Library

Established by the Foundation Center in New York City, this on-line service offers assistance in researching fundraising opportunities and provides factual information on foundations, philanthropy, and other issues related to nonprofits. In New Hampshire, the full library is available at the Concord Public Library,

and the Plymouth State College Library, with an advance appointment to use the library and its computerized data base search system.

For more information:

Concord Public Library, 45 Green Street, Concord NH 03301
603-225-8670

Herbert H. Lamson Library, Plymouth NH 03264
603-535-2256

fdncenter.org/learn/librarian

New Hampshire**Housing Finance Authority**

The New Hampshire Housing Finance Authority is the state's housing advocacy agency. It administers a variety of funds, including federal and state loans, credits and grants, to support housing programs and projects.

For more information:

New Hampshire Housing Finance Authority
603-472-8623
www.nhhfa.org

Cultural Facilities Grants

Cultural Facilities Grants are awarded by the New Hampshire State Council on the Arts. The matching grants are for planning and capital projects undertaken by non-profit organizations with cultural facilities. Historic preservation projects are eligible if the purpose of the project is to make the facility adequate for arts programming. Before an organization can apply for a grant, the facility must first meet minimum standards for architecturally barrier-free entrance, an activity also funded by the grants program.

For more information:

New Hampshire State Council on the Arts,
603-271-0791
www.nh.gov/nharts/grantsandservices/grants/organizationalsupport/culturalfacility.html

Institute of Museum and Library Services

The Institute of Museum and Library Services is an independent federal agency that funds a broad range of museum and

library projects. Its Conservation Assessment Program awards grants to support a two-day site visit by a conservation professional and a follow-up comprehensive report. The assessment provides an overview of all of the museum's collections, as well as its environmental conditions and policies and procedures relating to collections care. If the facility is located in an historic structure, the grant will also support a two-day site visit by a preservation architect or an architectural conservator, as well as a follow-up report, to assess the condition of the building and its ability to house the collection. As the preservation needs of a historic structure and the collections it contains often differ, this collaboration is vital to the assessment's success.

For more information:

Institute of Museum and Library Services
Office of Public and Legislative Affairs
1100 Pennsylvania Avenue, NW, Room 510
Washington, DC 20506
202-606-8339
www.ims.gov/grants/index.htm

National Center for Preservation Technology and Training

The National Center for Preservation Technology and Training has a grants program intended to support and promote research in science and technology that will assist historic preservation efforts. Its current priorities are to protect historical resources against vandalism, looting, terrorism, and natural disasters; conserve architectural materials of the recent past; develop appropriate technologies to preserve houses of worship and cemeteries; monitor and evaluate preservation treatments; study environmental effects of pollution on cultural resources, and document and preserve threatened cultural landscapes. Eligible applicants are academic institutions, non-profit organizations and government agencies.

For more information:

<http://www.ncptt.nps.gov>

HELPFUL ORGANIZATIONS AND AGENCIES

New Hampshire Preservation Alliance

The New Hampshire Preservation Alliance is the statewide, nonprofit, historic preservation organization. A strong advocate for preservation, it is an excellent resource on all matters relating to historic preservation. It sponsors workshops, training sessions, tours and events on a wide range of topics; manages a preservation easement program; offers grants for preservation planning projects and barn assessments; and confers annual preservation awards. Members receive a quarterly newsletter and discounts on events. Its website includes links to a broad array of preservation resources.

For more information:

New Hampshire Preservation Alliance
87 North State Street, 2nd Floor
PO Box 268
Concord, NH 03302-0268
603-224-2281; fax 603-226-9368
admin@nhpreservation.org
www.nhpreservation.org

New Hampshire Division of Historical Resources

The Division of Historical Resources is a state agency that also serves as the State Historic Preservation Office. The office manages the National and State Register of Historic Places programs; maintains the statewide inventory of historical and archeological resources; prepares the State Historic Preservation Plan; oversees the certified local government (CLG) program; undertakes historic preservation review and compliance for all publicly funded, licensed or permitted projects; makes Moose Plate grants; retains a list of qualified consultants; administers the state marker program; and issues publications on a variety of historic preservation subjects. Its website includes links to a broad array of preservation resources.

The DHR staff can provide technical assistance (subject to staff workloads and other commitments) and review conceptual and preliminary plans for municipal and non-profit preservation projects to determine whether the proposed work meets *The Secretary of the Interior's Standards for Rehabilitation*, or what would be needed to meet the standards. The DHR can often recommend less costly and damaging alternatives for work that would not comply with the standards.

For more information:

New Hampshire Division of Historical Resources
19 Pillsbury Street, 2nd floor
Concord NH 03301
603-271-3483 or 271-3558

fax: 603-271-3433
www.nh.gov/nhdhr

Office of Energy and Planning

The New Hampshire Office of Energy and Planning provides information and technical assistance on all areas of planning and zoning. The office has booklets and publications on many of the land use topics covered in this manual and also offers workshops and conferences for planning and zoning boards, as well as historic district and heritage commissions.

For more information:

New Hampshire Office of Energy & Planning
57 Regional Drive, Suite 3
Concord, NH 03301-8519
603-271-2155; fax: 603-271-2615
OEPinfo@nh.gov
www.nh.gov/oep

REGIONAL PLANNING COMMISSIONS

New Hampshire's nine regional planning commissions assist communities by preparing master plans; advising local land use boards; developing and updating regional housing needs assessments; facilitating and mediating regional transportation planning; and guiding communities on appropriate land use and allocation of natural and historical resources.

Central New Hampshire Regional Planning Commission

28 Commercial St
Concord, NH 03301
603-226-6020; fax 603-226-6023
www.cnhrpc.org

Lakes Region Planning Commission

103 Main Street, Suite #3
Meredith, NH 03253
603-279-8171; fax: 603-279-0200
www.lakesrpc.org

Nashua Regional Planning Commission
115 Main St.
PO Box 847
Nashua, NH 03061
603-883-0366
www.nashuarpc.org

North Country Council, Inc.

107 Glessner Rd.
Bethlehem, NH 03574
603-444-6303; fax 603-444-4588
www.nccouncil.org

Rockingham Planning Commission

156 Water Street Exeter, NH 03833

603-778-0885; fax 603-778-9183
www.rpc-nh.org

Southern New Hampshire Planning Commission
438 Dubuque St,
Manchester, NH 03102.
603-669-4664; fax: 603-669-4350
www.snhpc.org

Southwest Region Planning Commission

20 Central Square, 2nd Floor
Keene, NH 03431
603-357-0557; fax 603-357-7440
www.swrpc.org

Stafford Regional Planning Commission

2 Ridge Street, Suite 4
Dover, NH 03820-2505
603-742-2523; fax 603-742-7986
www.stafford.org

Upper Valley Lake Sunapee Regional Planning Commission

77 Bank Street
Lebanon, NH 03766-1704
603-448-1680; fax 603-448-0170
www.uvlsrpc.org

New Hampshire Historical Society

The New Hampshire Historical Society is an independent, nonprofit organization founded in 1823, whose mission is to educate a diverse public about the significance of New Hampshire's past and its relationship to our lives today. The Society's library maintains the largest collection of New Hampshire materials anywhere and offers researchers local histories, historic maps, photographs, manuscripts and more. Its technical assistance programs benefit local libraries and historical organizations, and its educational services are geared to both adults and school children. The Society has regular exhibits at both its headquarters and museum buildings.

For more information:

New Hampshire Historical Society
The Tuck Library
30 Park Street
Concord, NH 03301-6394
603-228-6688; fax: 603-224-0463

Museum of New Hampshire History
The Hamel Center
6 Eagle Square
Concord, NH 03301-4923
603-228-6688; fax: 603-228-6308
www.nhhistory.org

Association of New Hampshire Historical Societies

The Association of New Hampshire Historical Societies is a non-profit organization formed in 1950 to facilitate exchanging information between and providing technical assistance to its member historical societies. The Association publishes a newsletter and a directory of historical societies and museums in New Hampshire.

For more information:

Association of New Hampshire Historical Societies
PO Box 101
26 South Main St.
Concord, NH 03301-4848
603-926-2543
www.historicalsocietynh.org

National Trust for Historic Preservation

The National Trust for Historic Preservation is a privately funded, non-profit, national organization that provides leadership, education and advocacy to save America's diverse historic places and revitalize its communities. The Trust provides technical advice, publications and some grant funds for preserving historic buildings and undertaking community revitalization efforts. Annually, it announces the nation's eleven most endangered properties and preservation awards. The "help" link on its website can answer a wealth of preservation-related questions. The Northeast Regional Office serves New Hampshire.

For more information:

National Trust for Historic Preservation
1785 Massachusetts Ave, NW
Washington, DC 20036-2117
202-588-6000; fax: 202-588-6038
www.nationaltrust.org

Northeast Regional Office
Seven Faneuil Hall Marketplace
Boston, MA 02109
617-523-0885; fax: 617-523-1199
www.nationaltrust.org/about_the_trust/regional/northeast.html

Plan New Hampshire

Plan New Hampshire is a non-profit corporation whose members are concerned with the appearance of the state's communities, the quality of the built environment, and the impact of that environment on communities. Plan NH sponsors design charrettes to assist communities with worthy projects that might not otherwise get started, or communities with funding but lacking a clear and effective plan to begin the process. The charrettes brings a team of a

dozen professionals – designers, planners, builders, architects and others involved in the development process – who volunteer their time to the community for a weekend of intensive discussion and design work with members of the community. The session ends with a presentation of final recommendations to the town, followed by a document summarizing the work and including plans and other drawings that were generated during the charrette.

For more information:

Plan New Hampshire
PO Box 949
Center Harbor, NH 03226
603-253-8182; fax: 603-253-8656
www.plannh.com

Historic New England

Historic New England (formerly the Society for the Preservation of New England Antiquities) is the oldest, largest, and most comprehensive regional preservation organization in the country. It owns and operates historic house museums throughout New England, and its collection is the largest assemblage of New England art and artifacts in the country. It offers educational programs and events for adults and school children.

For more information:

Historic New England
141 Cambridge Street
Boston MA 02114
617-227-3956
www.historicnewengland.org

New Hampshire Main Street Center

The New Hampshire Main Street Center was established in 1994 to maintain, strengthen and revitalize the physical, economic and cultural characteristics of the state's traditional and historic downtown urban and village centers by supporting and working with community Main Street Programs. The program has ties to the National Trust for Historic Preservation's Main Street Center. Its four-point approach addresses organization, promotion, design, and economic restructuring as a means to develop a community's individual strategy for revitalizing its downtown.

For more information:

New Hampshire Main Street Center
14 Dixon Street, Suite 102
603-223-9942; fax: 603-226-2816
www.nhmainstreet.org

The Preservation Education Institute

The Preservation Education Institute is a non-profit organization that assists contractors, architects, building tradespeople and property managers in

Helpful Organizations and Agencies - continued

New Hampshire and Vermont (as well as nationally, through cooperative training with the National Park Service) to develop hands-on, specialized preservation expertise through courses, workshops, tours, and lectures. The Institute maintains lists of consultants, contractors, and craftspeople with preservation skills, and for a minimal fee, will provide names of qualified specialists. In addition, it presents a series of on-site training workshops (learning-by-doing) that provide preservation expertise to historic properties.

For more information:

The Preservation Education Institute
PO Box 1777
Windsor, VT 05089-0021
802-674-6752; fax: 802-674-6179
histwininc@valley.net
www.preservationworks.org

National Alliance of Preservation Commissions

The National Alliance of Preservation Commissions is the only national organization devoted solely to serving preservation design review commissions. The Alliance provides technical support and manages an information network to help local commissions accomplish their preservation objectives. It also serves as an advocate at federal, state and local levels of government to promote policies and programs that support preservation commission efforts. Its bi-monthly newsletter offers a wealth of information on preservation issues facing local commissions, and its collection of design guidelines is the most extensive in the country.

For more information:

National Alliance for Preservation Commissions
325 South Lumpkin Street
Founders Garden House
Athens, GA 30602
706-542-4731
www.sed.uga.edu/psa/programs/napc/napc.htm

American Planning Association

The American Planning Association is a non-profit, public interest and research organization committed to urban, suburban, regional, and rural planning. Its numerous publications deal with the full range of zoning, planning and preservation tools and issues.

For more information:

American Planning Association
1776 Massachusetts Ave., NW
Washington, DC 20036-1904
202-872-0611; fax: 202-872-0643
www.planning.org

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*Helpful Organizations and Agencies - continued***Local Government Center**

Formed as the New Hampshire Municipal Center in 1941, the Local Government Center provides programs and services that strengthen the quality of its member governments and the ability of their officials and employees to serve the public. The Center has informational publications and offers lectures on land-use legal issues affecting municipalities. Staff attorneys can answer inquiries and provide legal assistance on general municipal law to elected and appointed officials from member towns, cities and village districts.

For more information:

Local Government Center
25 Triangle Park
PO Box 617
Concord, NH 03302
603-224-7447; fax: 603-224-5406
www.nhmunicipal.org

New Hampshire Rural Development Council

The New Hampshire Rural Development Council is a public/private partnership that promotes rural development by removing organizational barriers and facilitating team approaches to problem solving. The Council fosters communication, cooperation, and information-sharing between the regional, state, and federal programs that offer development assistance to New Hampshire's rural communities, in order to allocate and use existing resources in more effective and less narrowly focused ways.

For more information:

New Hampshire Rural Development Council
2 1/2 Beacon Street
Concord NH 03301
603-229-0261; fax 603-228-4827
www.ruralnh.org

Society for the Protection of New Hampshire Forests

Founded in 1901, the Society for the Protection of New Hampshire Forests is a statewide, non-profit land conservation organization dedicated to protecting the state's most important landscapes while promoting the wise use of its renewable natural resources. Although the Society ordinarily does not protect historical resources, it has partnered with preservation organizations, such as the New Hampshire Preservation Alliance, to preserve significant historical and cultural resources. One of its programs, the Center for Land Conservation Assistance, was developed to assist local groups with the full range of land conservation issues and options.

For more information:

Society for the Protection of New Hampshire Forests
54 Portsmouth Street
Concord, NH 03301
603-224-9945; fax: 603-228-0423
www.spnhf.org

Center for Land Conservation Assistance
603-717-7045

Northeast Document Conservation Center

Northeast Document Conservation Center is the largest non-profit regional conservation center in the United States. It specializes in the conservation of paper and related materials, including photographs, books, architectural drawings, maps, posters, documents, and art on paper. It also undertakes paper conservation, bookbinding, preservation microfilming, and duplication of photographic negatives. On a consulting basis, the Center performs surveys of conservation needs and advises museums and historical organizations about sources of conservation assistance and funding.

For more information:

Northeast Document Conservation Center
100 Brickstone Square
Andover, MA 01810-1494
978-470-1010; fax: 978-475-6021
www.nedcc.org

New England Museum Association

The New England Museum Association, now over 75 years old, is a non-profit organization serving in New England museums of all sizes and the people who work for and with them. It provides information on museum management, offers professional affinity groups and group purchasing, posts jobs listings, and hosts professional development workshops and an annual conference.

For more information:

New England Museum Association
22 Mill Street, Suite 409
Arlington, MA 02476
781-641-0013; fax: 781-641-0053
www.nemanet.org

The American Association for State and Local History

The American Association for State and Local History is a non-profit organization that serves the entire field of state and local history. Its programs and services are directed at history organizations of all sizes and types, including technical resources, museum software, and professional development workshops. Its publications cover all aspects of operations and programming.

For more information:

The American Association for State and Local History
717 Church Street
Nashville, TN 37203-2991
615-320-3203; fax: 615-327-9013
www.aaslh.org

The following organizations provide helpful information for specific types of buildings and resources:

New Hampshire Coalition for Sustaining Agriculture

The New Hampshire Coalition for Sustaining Agriculture is an informal network of organizations and individuals that develops and leads collaborative projects to demonstrate the critical relationship of agriculture to New Hampshire's economy, society and environment; ensure that current and future generations can continue to farm; assist farmers in managing their natural resources for profitable production and a healthy environment; and help citizens and decision-makers understand that the quality of New Hampshire's visual, natural and cultural landscape is directly linked to the well-being of farm enterprises. The Coalition and its activities have provided essential support for a variety of historic preservation initiatives.

For more information:

New Hampshire Coalition for Sustaining Agriculture
c/o Nada Haddad, Extension Educator
for Agricultural Resources

University of New Hampshire Cooperative Extension - Rockingham County
113 North Road
Brentwood, NH 03833-6623
603-679-5616; fax: 603-679-8070
Nada.Haddad@unh.edu

New Hampshire Old Graveyard Association

The New Hampshire Old Graveyard Association is a non-profit organization dedicated to preserving New Hampshire's historic graveyards and cemeteries through discovery, maintenance, records preservation and cataloging. Its publication "A Guide to the Preservation and Restoration of Old Graveyards" (2003) is available online.

For more information:

New Hampshire Old Graveyard Association
117 Amherst Road
Merrimack, NH 03054
www.rootsweb.com/~nhoga

*Helpful Organizations and Agencies - continued***Partners for Sacred Places**

Partners for Sacred Places (National Center for the Stewardship and Preservation of Religious Properties) is a non-profit, non-sectarian organization created to help congregations and communities sustain and actively use their older religious buildings and sites. Its Information Clearinghouse, largely available on-line, has data on maintaining religious buildings, fundraising tips, sharing space and much more. Partners sponsors an annual national conference; publishes self-help guides; supports a program of advocacy, outreach, public awareness and education; provides limited consulting services; and offers a traveling workshop series.

For more information:

Partners for Sacred Places
1700 Sansom Street, Tenth Floor
Philadelphia, PA 19103
215-567-3234; fax: 215-567-3235
www.sacredplaces.org

New Hampshire Archeological Society

The New Hampshire Archeological Society is a state-wide, non-profit organization that hosts meetings and workshops and publishes a journal, newsletter and articles on archeological activities.

For more information:

New Hampshire Archeological Society
www.nhas.org

Society for Industrial Archeology

The Society for Industrial Archeology is a national, non-profit organization devoted to preserving, interpreting and documenting the nation's industrial past and heritage. The Northern New England chapter hosts tours of industrial sites in New Hampshire, Vermont and Maine.

For more information:

Society for Industrial Archeology
www.sia-web.org

The National Society for the Preservation of Covered Bridges

The National Society for the Preservation of Covered Bridges is a non-profit organization that promotes the preservation of covered bridges through research, structural analysis, graphic recording, advocacy, publications, collecting artifacts and archival material relating to covered bridges, and by promoting the use of traditional materials and procedures in covered bridge renovation projects.

For more information:

National Society for the Preservation of Covered Bridges
www.vermontbridges.com/nspcb1st.htm

PREVENTING AND RESPONDING TO PRESERVATION EMERGENCIES

There are a few universal tips that preservationists can use to monitor the status of historic structures and respond to threats to their integrity.

Take action early - Be aware of what is going on in your community, especially in real estate. Notice empty buildings or properties for sale and keep tabs on their status.

The best way to save an endangered historic property is to start before it is endangered. If your local preservation commission has a survey of historic properties, you are one step ahead of the game. The state Division of Historic Resources (DHR) at 271-3558 might also be able to help you locate a survey.

If you are involved in a potential demolition, it is best to step in as early as possible. You will find the other parties may be more open to discuss alternatives before they've invested significant amounts of time and money.

Do your research and formulate alternatives

- You must have valid reasons why a structure should be preserved and show how it can benefit the community. Researching the economic benefits of preservation is always well worth the effort.

In a publicly funded project such as transportation or road construction, check with the DHR to see if Section 106 of the Historic Preservation Act of 1966 applies to the project. (This federal law requires the developer to assess the project's effect on nearby significant cultural resources in the area if federal funds, licensing or approval is involved.) Look for ways to help the other party obtain their ultimate goal while preserving your beloved structure.

The Economics of Historic Preservation: A Community Leader's Guide (National Trust for Historic Preservation, 1994) offers effective responses to common preservation situations, and is available from the Preservation Alliance.

Meet with the property owner/developer

- Avoid viewing the other party as your opponent. Facilitate a face-to-face meeting and carefully listen to their goals. Don't argue, but tell them *and* show them that you want to work with them. The easiest way, by far, to prevent a demolition is to convert the owner.

Develop partnerships within the community - Ask yourself who else in your community could benefit from saving the property or who else would be interested. Look at the overall impact the project would have on the community—you may find allies in environmental organizations or other special-interest groups.

If you are in a crisis situation, DHR and the Preservation Alliance can offer technical assistance and support and in some situations they may also be able to provide information on the significance of the property and enlighten you on any local preservation ordinances or laws that may protect the structure. For a list of local organizations, visit the Preservation Alliance's Web site at www.nhpreservation.org.

The next time you drive by that abandoned house or that old building for sale, give it more than just a passing glance—the first step in saving a historic structure is simply being aware of it in the first place.

HERITAGE AND HISTORIC DISTRICT COMMISSIONS IN NEW HAMPSHIRE

January 2006

AMHERST

Amherst Historic District Commission
Town Offices — PO Box 960
Amherst, NH 03031-0960

and

Amherst Heritage Commission
Town Offices — PO Box 960
Amherst, NH 03031-0960

ANTRIM

Antrim Historic District Commission
Town Offices — PO Box 517
Antrim, NH 03440-0517

AUBURN

Auburn Historic District Commission
Town Offices — PO Box 309
Auburn, NH 03032-0309

BARNSTEAD

Barnstead Historic District Commission
Town Offices — PO Box 11 — Route 126
Center Barnstead, NH 03225-0011

BEDFORD

Bedford Historic District Commission
Town Offices — 24 North Amherst Road
Bedford, NH 03110

BELMONT

Belmont Heritage Commission
Town Offices — PO Box 310
Belmont, NH 03220-0310

BOW

Bow Heritage Commission
Municipal Building — 10 Grandview
Road
Bow, NH 03304

BRISTOL

Bristol Historic District Commission
Town Offices — 230 Lake Street
Bristol, NH 03222

CANAAN

Canaan Historic District Commission
Town Offices — PO Box 38
Canaan, NH 03741-0038

CANDIA

Candia Heritage Commission
Town Offices — 74 High Street
Candia, NH 03034

CANTERBURY

Canterbury Historic District Commission
Town Offices — PO Box 500
Canterbury, NH 03224-0500

CENTER HARBOR

Center Harbor Historic District Commission
Town Offices — PO Box 140
Center Harbor, NH 03226-0140

CHESTER

Chester Historic District Commission
Town Offices — One Chester Street — PO
Box 275
Chester, NH 03036-0275

and

Chester Heritage Commission
Town Offices — One Chester Street — PO
Box 275
Chester, NH 03036-0275

CHESTERFIELD

Chesterfield Historic District Commission
Town Offices — PO Box 175
Chesterfield, NH 03443-0175

CLAREMONT

Claremont Historic District Commission
City Hall — Tremont Square
Claremont, NH 03743

CONCORD *[Certified Local Government]*

Concord Heritage Commission
City Hall — 41 Green Street
Concord, NH 03301

DANVILLE

Danville Heritage Commission
Town Offices — PO Box 11
Danville, NH 03819-0011

DEERFIELD

Deerfield Heritage Commission
George B. White Building — PO Box 159
Deerfield, NH 03037-0159

DERRY *[Certified Local Government]*

Derry Heritage Commission
Municipal Building — 14 Manning Street
Derry, NH 03038

DORCHESTER

Dorchester Historic District Commission
Town Offices
RR #2, Route 18, Rumney
Dorchester, NH 03266

DOVER

Dover Historic District Commission
Municipal Building — 288 Central Avenue
Dover, NH 03820

DURHAM *[Certified Local Government]*

Durham Historic District Commission
Town Offices - 13-15 Newmarket Road
Durham, NH 03824

EFFINGHAM

Effingham Historic District Commission
Town Offices — PO Box 25
South Effingham, NH 03882-0025

ENFIELD

Enfield Heritage Commission
Town Offices — PO Box 373
Enfield, NH 03748-0373

EPPING

Epping Historic District Commission
Town Offices — 157 Main Street
Epping, NH 03042

EPSOM

Epsom Historic District Commission
Selectmen's Office — PO Box 10
Epsom, NH 03234-0010

EXETER

Exeter Historic District Commission
Town Offices — 10 Front Street
Exeter, NH 03833

FITZWILLIAM

Fitzwilliam Historic District Commission
Town Offices — PO Box 725
Fitzwilliam, NH 03447-0725

FRANKLIN

Franklin Heritage Commission
City Hall — 316 Central Street
Franklin, NH 03235

GILFORD *[Certified Local Government]*

Gilford Historic District Commission
Town Offices — 47 Cherry Valley Road
Gilford, NH 03246

and

Gilford Heritage Commission
Town Offices — 47 Cherry Valley Road
Gilford, NH 03246

GILMANTON

Gilmanton Historic District Commission
Town Offices - PO Box 555
Gilmanton Iron Works, NH 03237-0555

GOFFSTOWN *[Certified Local Government]*

Goffstown Historic District Commission -
Heritage Commission
Town Offices — 16 Main Street
Goffstown, NH 03045

HAMPSTEAD

Hampstead Historic District Commission
Town Offices — 11 Main Street
Hampstead, NH 03841

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
- 673:4 Criteria for membership of a historic district commission
- 673:4-a Criteria for membership of a heritage commission
- 673:5 Terms of local land use board members
- 673:6 Appointment of alternate members
- 673:7(c) Planning board member serving on heritage commission and/or historic district commission

Operational procedures

- 673:10,I. Scheduling of meetings
- 673:11 Designation of alternate members
- 673:12 Filling vacancies in membership
- 673:13 Removal of members
- 673:14 Disqualification of member / conflict of interest provisions
- 673:16 Staff and finances; acceptance of gifts, grants, and contributions
- 673:17 Requirements for open meetings and records, referencing RSA 91-A ("the Right-to-Know Law")

Abolition of a heritage commission or historic district commission

- 673:18 Procedure for abolishing a heritage commission or historic district commission
- 673:20 Cessation of authority if commission is abolished
- 673:21 Requirements for transfer of documents upon abolition

Purpose and authority of heritage commissions

- 674:44-a Purposes
- 674:44-b Powers and duties
- 674:44-b,III. Allows heritage commissions to assume the composition and duties of historic district commissions, if authorized by the local legislative body
- 674:44-c Allows municipalities to maintain separate heritage commissions and historic district commissions

674:44-d Appropriations authorized / creation and use of a heritage fund

Purpose and authority of historic districts

- 674:45 Purposes
- 674:46 Authority granted
- 674:46-a Powers and duties
- 674:46-a,V. Allows historic district commissions to assume the composition and duties of heritage commissions, if authorized by the local legislative body
- 674:47 Procedure for abolishing a historic district
- 674:48 Limitations of authority
- 674:49 Enforcement
- 674:50 Remedies for violations / authority for historic district commission to "institute any appropriate action or proceedings" against violations

Enactment and adoption procedures for historic district ordinances and regulations

- 675:1,I,(d) Requirements for adoption of historic district regulations (referencing 674:46-a)
- 675:1,II. Requirements for adoption of historic district ordinances (referencing 674:46)
- 675:2 Method of enactment in municipalities governed by a council
- 675:3 Method of enactment in municipalities not governed by a council
- 675:4 Method of enactment by petition
- 675:6 Method for adoption of historic district regulations
- 675:7 Notice requirements
- 675:8-9 Requirements for filing ordinances, regulations, and amendments

Administration and enforcement procedures

- 676:1 Method for adopting rules of procedure
- 676:2 Procedures for joint meetings and hearings
- 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/rsa/html/indexes/default.html>, and go to <http://www.gencourt.state.nh.us/rsa/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.

GLOSSARY

ADAPTIVE REUSE: the process of rehabilitating a building for a use different from that for which it was originally designed. This is accomplished through varying degrees of alterations to the building.

ARCHEOLOGIST: a professional with an academic background in the field of archeology.

ARCHITECTURAL HISTORIAN: a professional with an academic background in the field of architectural history.

CERTIFICATE OF APPROPRIATENESS: a document granted by an historic district commission, or a heritage commission functioning as such, that allows the applicant to proceed with a proposed alteration on a designated property.

CONSERVATION: the process of arresting the physical deterioration of building materials by some type of appropriate intervention or corrective measure.

DEED RESTRICTION: a voluntary attachment to a property that runs with the property and places conditions on use, subdivision or future alterations. A deed restriction does not involve a partial interest to a second party that would monitor its terms.

DESIGN GUIDELINES: a set of ideas for approaching alterations and new construction within a specified area, often a locally designated historic district and referenced by applicants and a historic district commission when developing and reviewing projects.

EASEMENT: a legally recorded restriction designed to protect open spaces, building facades and/or interiors. It can either be purchased or donated.

FAÇADE EASEMENT: a legally recorded restriction that protects the exterior of a building.

HISTORIC ARCHITECT: an architect with specialized education and/or training in historic buildings.

HISTORIC DISTRICT: a defined area with a significant concentration of historic buildings, structures, sites, spaces, or objects unified by past events, physical development, design setting, materials, or workmanship.

NATIONAL REGISTER ELIGIBILITY: the formal determination that a property meets the criteria for listing in the National Register of Historic Places.

NATIONAL REGISTER OF HISTORIC PLACES: the official federal list of significant historical and cultural resources.

MAINTENANCE: the process of cleaning and repairing a building on an ongoing basis.

PRESERVATION: a treatment option for a historic property that places a high premium on the retention of all historic fabric through conservation, maintenance and repair. A preservation project reflects a property's continuum over time, through successive occupancies, and the respectful changes and alterations that have been made.

PRESERVATION CONSULTANT: a professional with an academic background in architectural history, planning or history with experience in a wide range of preservation activities and issues.

PRESERVATION EASEMENT: a voluntary legal agreement that protects a significant historic, archeological or cultural resource and runs with the land. The easement is held by a qualified entity which enforces the terms.

RECONSTRUCTION: a recreation of a historic property by means of new construction, that mimics the form, features, and detailing of a non-surviving site, landscape, building, structure, or object, for the purpose of replicating its appearance at a specific period of time.

REGULATIONS: the procedures under which an application is reviewed, as well as the controls and restrictions placed upon activities within the boundaries of a locally designated historic district. Generally adopted by the historic district commission, but can be spelled out, fully or partially, in the district ordinance.

REHABILITATION: a treatment option for a historic property that emphasizes retaining and repairing historic materials, though more latitude is provided for replacement because it is assumed the property is more deteriorated prior to work. Like "preservation," rehabilitation focuses attention on preserving the materials, features, finishes, spaces, and spatial relationships that, together, give a property its historic character.

RENOVATION: the process of modernizing a building without necessarily attempting to retain significant features or historic character.

RESTORATION: a treatment option for a historic property that focuses on retaining materials from the most significant time in a property's history, while permitting the removal of materials from other periods.

RSA (Revised Statutes Annotated): the codified laws of the State of New Hampshire

RULES OF PROCEDURE: procedures adopted by a historic district commission for the way it internally conducts business.

SECTION 106: the provision of the National Historic Preservation Act that requires a review of the effects of federally licensed, permitted or funded projects on properties listed, or eligible for listing, on the National Register of Historic Places.

STABILIZATION: the process of creating a weather-resistant enclosure and structural stability of an unsafe or deteriorated property, while maintaining the essential form as it exists at present.

STATE HISTORICAL RESOURCES COUNCIL: a group of citizens who oversee certain aspects of the New Hampshire Division of Historical Resources' programs and policies.

NOTES

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Preserving Community Character
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FIDELITY FOUNDATION
SAMUEL P. PARDOE FOUNDATION
and
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LAVALLEY BUILDING SUPPLY, INC.



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